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Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

January 2, 2008

Ms. Joanne Hewett-Hollidge
Planning Commission
Town of Betterton
Third Avenue, P.O. Box 339
Betterton, MD 21620

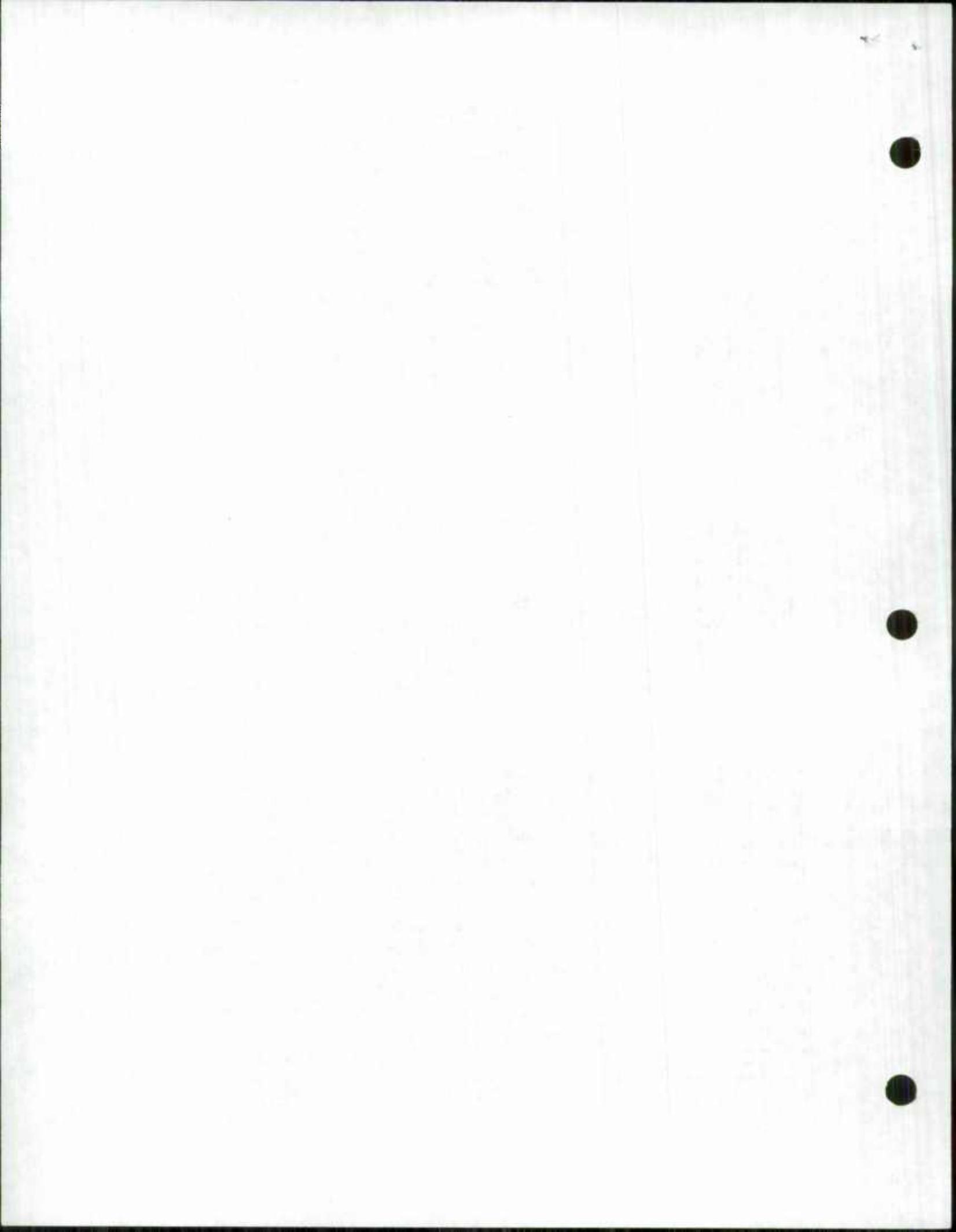
Re: Proposed Resubdivision - Lands of Jeanne A Baum

Dear Ms. Hewett-Hollidge:

I have received the proposed resubdivision request for the Lands of Jeanne A. Baum for review and comment. The applicant proposes to reconfigure lots 3 and 4 so that the lot lines extend to Howell Point Road. It is unclear why the applicant chooses to extend the lot lines; however, based on our knowledge of the site and the resources present, this action would not be consistent with the Betterton Critical Area Program. I have outlined my comments below.

In our last letter dated July 29, 2004 (enclosed) I stated the subdivision was consistent with the recommendations of the Commission's Science Advisor, which factored in the 225 foot Buffer from the Sassafras River, and the presence of Forest Interior Dwelling Bird (FID) species on the site. The current proposal increases the lot area of lots 3 and 4 which could result in further clearing on these lots. Since further clearing would negatively impact FID habitat, extending the lot lines would not be furthering the goal of conserving and protecting FID habitat.

Our last letter also asked that the applicant pursue a conservation easement on the property. It is unclear from the materials submitted to this office whether a conservation easement was ever pursued and subsequently placed on any portion of this property; however, we continue to recommend an easement in order to protect the FID habitat from future lot owner activities. In our experience, placing an easement on portions of lots in the Critical Area is not practical or effective; therefore, the current lot configuration will better protect the habitats on this site since it is limited to the minimum area necessary to support a dwelling and any associated accessory structures outside required Buffers and setbacks.

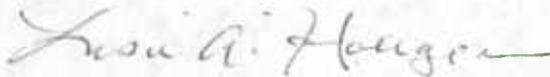


Ms. Hewett-Hollidge
January 2, 2008
Page Two

Finally, I assume the 68 +/- acres that is in the Critical Area is based on the area of lots 1-5 which would generate three density rights; therefore, we recommend a note be added to the plat and deeds if not done so already that restricts lots 1 and 2 from siting a dwelling inside the Critical Area portion of those lots since lots 3, 4, and 5 will likely have dwellings sited in the Critical Area portion of those lots.

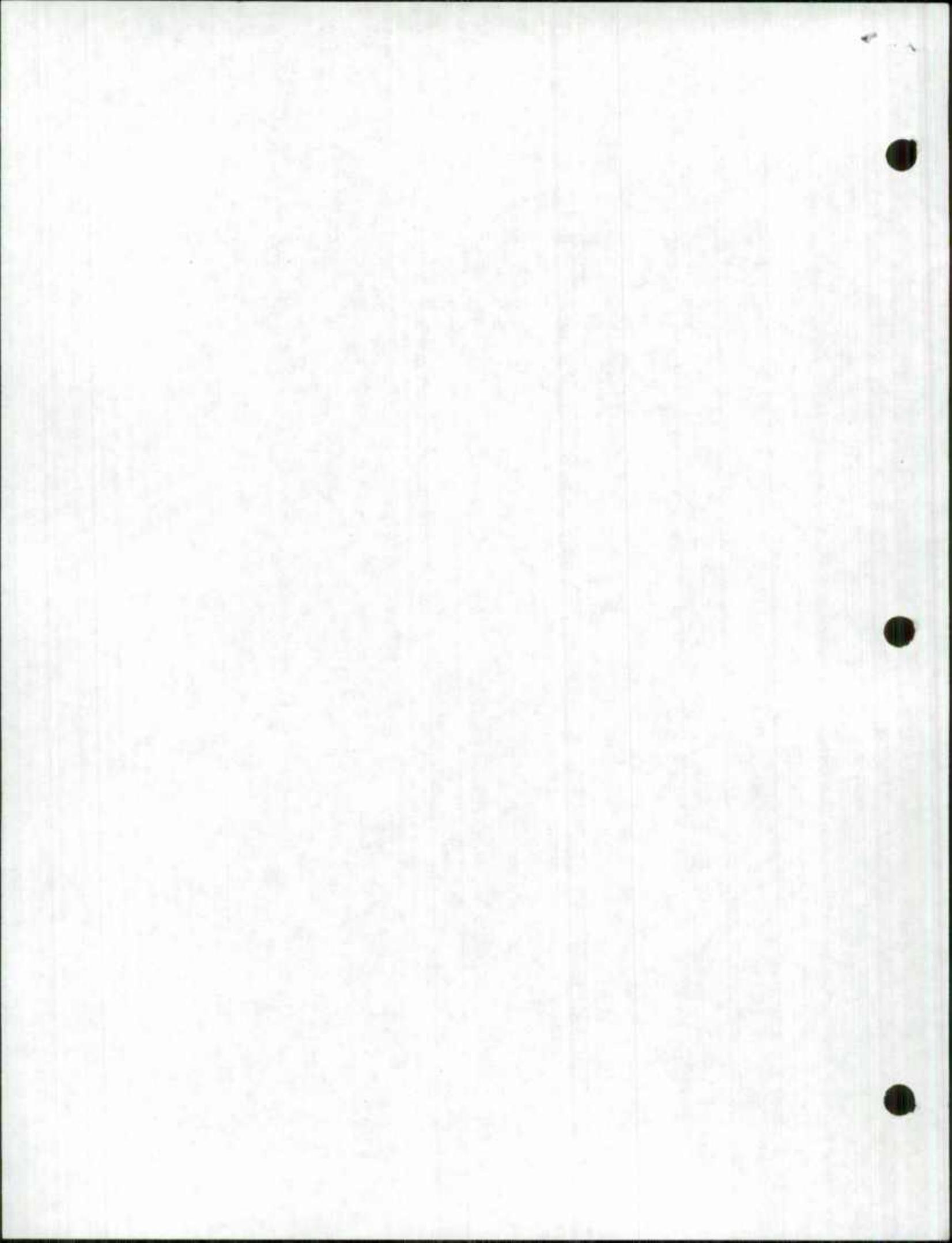
Since extending the lot lines would create further impacts to the FID habitat on this site, this office cannot support the proposed lot configuration. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: Ms. Mary Ann Skilling, Critical Area Circuit Rider



CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Butch Norden

From: Lisa Hoerger

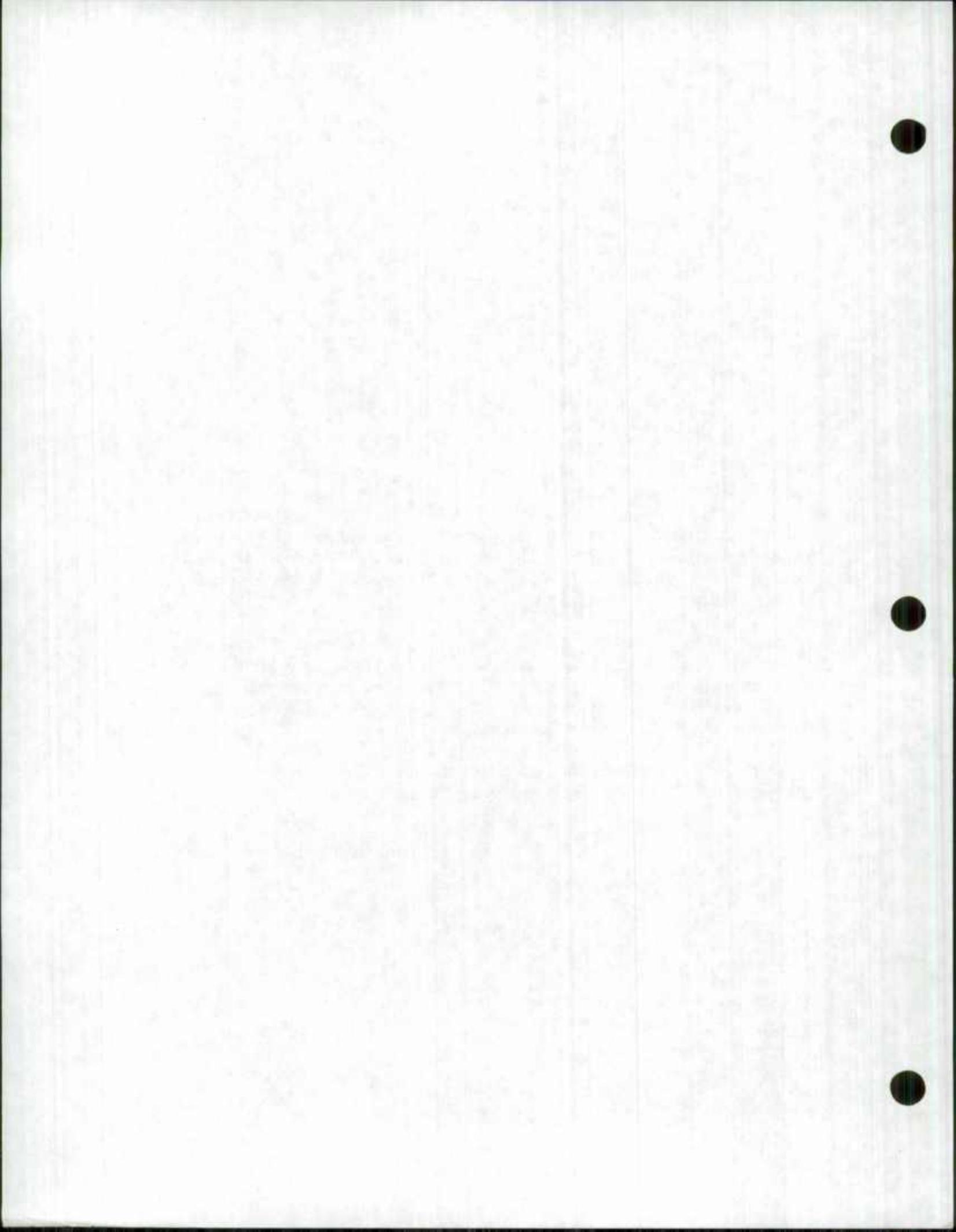
Date: January 17, 2008

Subject: North Point State Park (2007-DNR-218)
Todd House Restoration

I have received the above-referenced project for review and comment. It appears that the proposed steps and walkway around the historic house will not impact any habitat protection areas, nor require any clearing. In addition the total new impervious surface will total 530 square feet. We would encourage the Department to work with the lease holders to explore semi-pervious paving materials for the walkway, and to address during the on-going restoration of the house, nonstructural stormwater management techniques like bioretention areas or raingardens.

We encourage and support the Department's efforts in the restoration of historic properties. Due to the scale of this restoration activity and there will be no impacts to any environmental resources on the site, this activity will not require review and approval by the Critical Area Commission. However, please continue to forward any proposed activities on Department lands to Commission staff for review.

Thank you for your continued coordination of activities on Department lands. Please telephone me at (410) 260-3478 if you have any questions, or require additional information.



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January 25, 2008

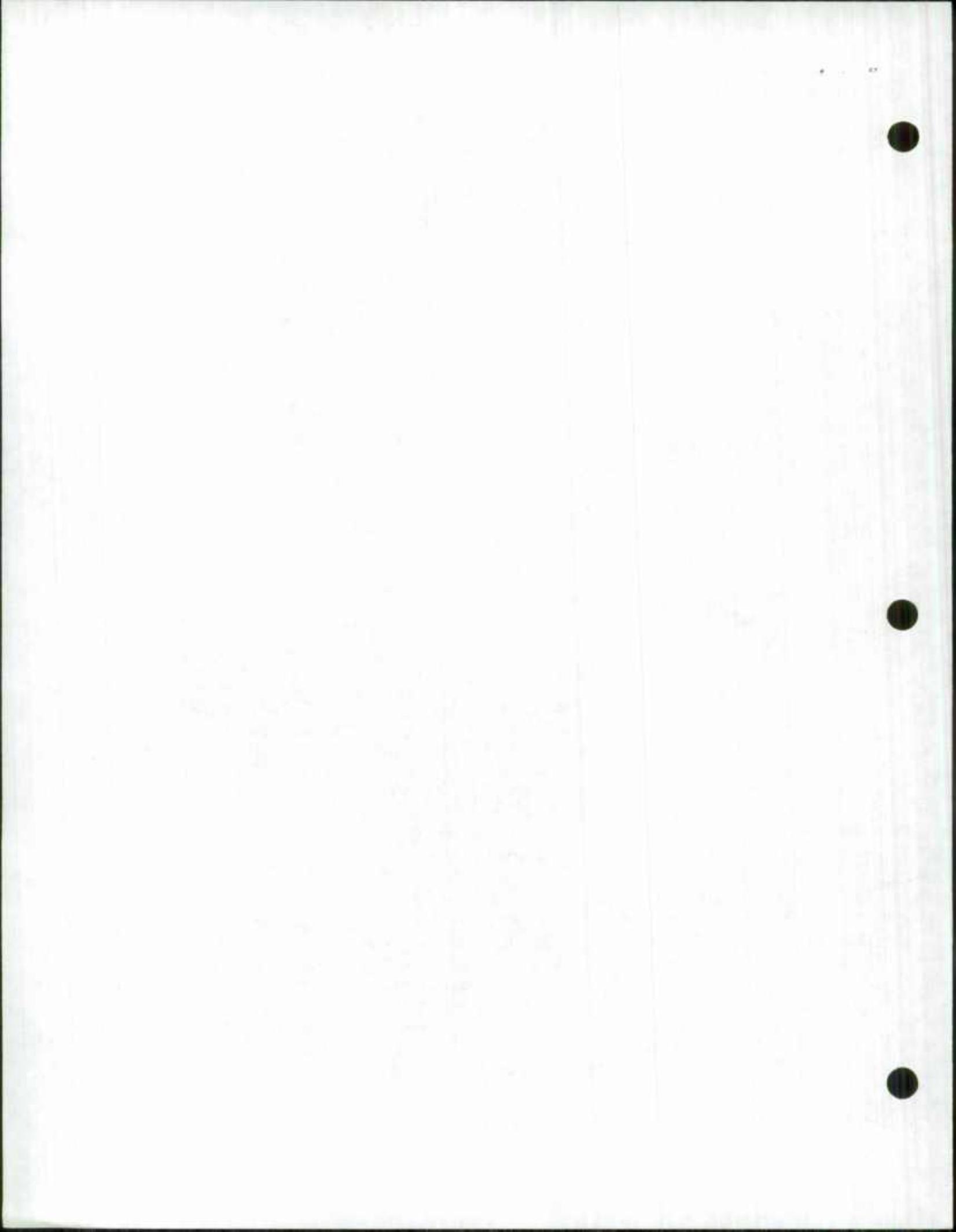
Mr. Stephen LeGendre
Administrative Hearing Officer
Anne Arundel County
Office of Administrative Hearings
Arundel Center, P.O. Box 2700
Annapolis, Maryland 21404-2700

Re: Robert Posner and Sharon Roberts
Case No. 2007-0383-V

Dear Mr. LeGendre:

At your request, I am providing comments on the above-referenced variance request to clarify Commission staff's position. The applicant requests variances to permit a dwelling unit and associated facilities to disturb the Buffer and expanded Buffer for steep slopes. As you may know, the applicant met with Commission staff and County staff before submitting this request for variances, and as a result of those meetings has modified the proposal several times to minimize disturbance to the Buffer and steep slopes. Since our previous letter did not reflect the content of those meetings due to staffing changes, I will outline our comments below.

Whenever we see the redevelopment of a site that may have impacts to the 100-foot Buffer, expanded Buffer or steep slopes, we try to balance the effects that redevelopment will have to the Buffer and other sensitive areas on the site, with the opportunity to foster more sensitive development along the shoreline. In this case, there is an existing dwelling with associated facilities that already exist partially in the Buffer and expanded Buffer and on steep slopes. The applicant has stated that with the redevelopment of this site a septic system using nitrogen removal technology and improved stormwater management measures will be employed. In addition, the applicant has decreased the overall impervious surfaces on the site by 30 percent.



Mr. LeGendre
January 25, 2008
Page Two

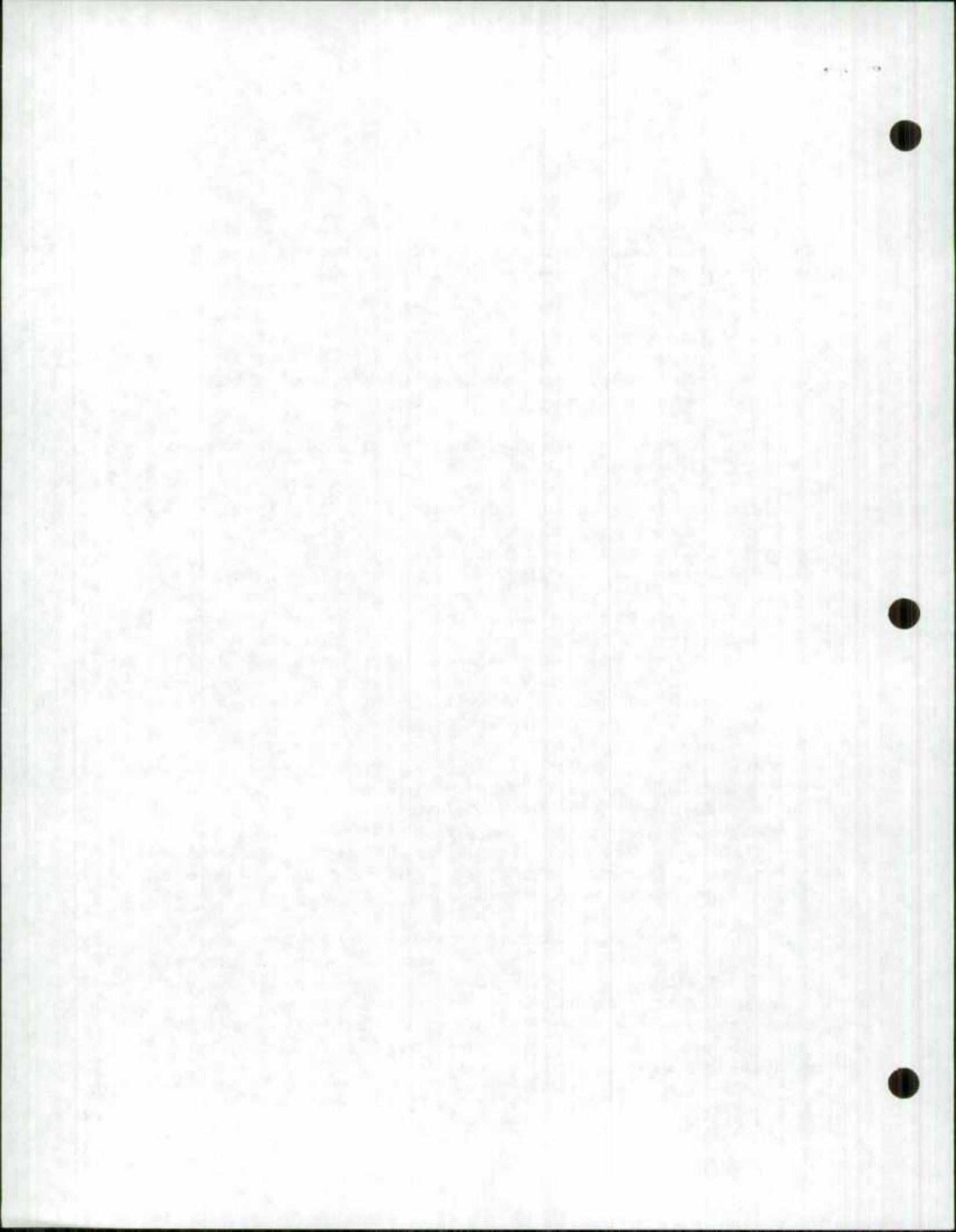
Nevertheless, the proposal is not modest. While the applicant has achieved an overall impervious surface limit that is less than the maximum 15% permitted, the majority of that impervious area is within the 100-foot and expanded Buffer.

Examining a site plan in the general context of minimizing environmental impacts is different from examining a plan in the context of Critical Area variance standards. In light of the variance standards, while there may be existing impervious areas in the Buffer and expanded Buffer, those impervious areas should not be used to facilitate further redevelopment in the Buffer, albeit less impervious overall.

The difficult question we face with every redevelopment project is whether proposed environmental improvements, necessarily further the goals of the Critical Area law. Those goals are found in the Natural Resources Article §8-1808 (b) and include minimizing adverse impacts on water quality, and conserving fish, wildlife and plant habitat. The remaining goal is what brings us to these crossroads and that is to establish land use policies that accommodate growth, but also recognize that even when pollution is controlled the activities of people can create adverse environmental impacts. As you are well aware, applying this goal in a variance setting requires local decision makers to be extremely cautious since the variance standards include minimization of impacts and a determination of whether an unwarranted hardship would occur if the variance were denied. Also, we still need to examine whether the applicant has reasonable use of the entire lot, which in this case one could argue already exists without redeveloping the site. Therefore, we believe that in order to achieve more sensitive development of this lot, in the context of redevelopment, minimization is necessary.

Of particular concern to this office, and one that was discussed with the applicant, is the impervious area in the expanded Buffer that serves the accessory uses. We acknowledge the pool exists; however, the proposed decking beyond what already exists, in our view, is excessive, given the extent of the existing decking outside the expanded Buffer, and should be further reduced. In addition, the proposed garage can be reduced to eliminate any disturbance or impervious area in the expanded Buffer, notwithstanding the required setbacks for the new well locations and septic trenches.

Typically, we would oppose the location of stormwater management measures in the Buffer; however, since the dwelling is not being completely removed and set further back on the lot, this appears to be the only workable location for such measures. Mitigation is recommended for this new disturbance, and the applicant should be required to demonstrate to the County how the proposed stormwater management facility will be maintained to ensure that the long term benefits outweigh the immediate effects of additional disturbance to the Buffer.



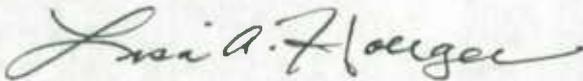
Mr. LeGendre
January 25, 2008
Page Three

We understand the applicant has proposed an extensive planting plan for the 100-foot Buffer; however, we have not seen that plan. In any case, we strongly recommend that County staff ensure that the plan would fully reestablish the 100-foot Buffer in native species, and include a mix of canopy, understory, shrubs and a herbaceous layer.

To summarize our position, while we do not oppose redevelopment, when it is in the context of a variance, we need to ensure that the minimum necessary is proposed to afford an applicant relief. Since this request involves new impacts to the Buffer and expanded Buffer, we recommend that further minimization of impervious and pervious areas be accomplished to meet the variance standards.

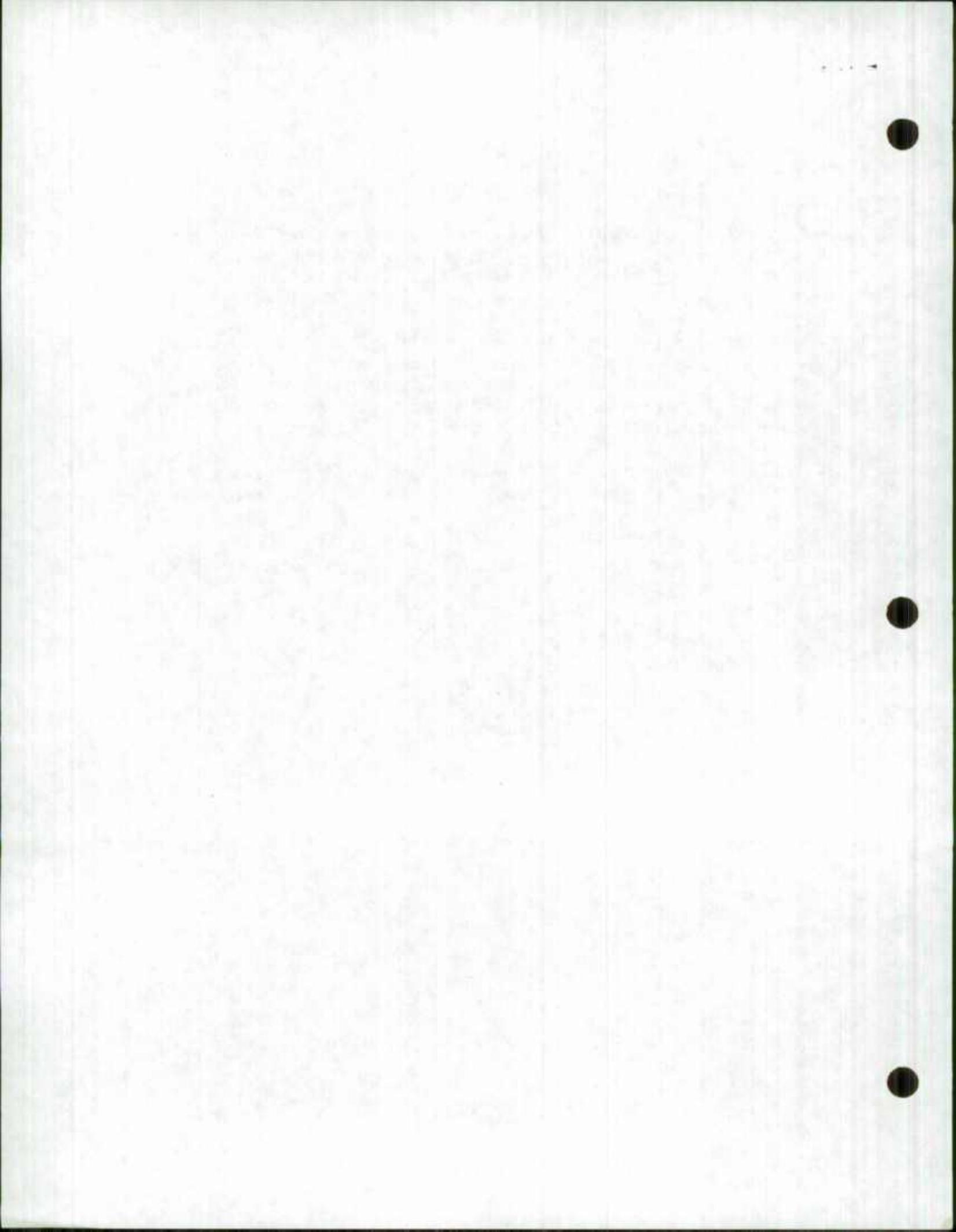
Thank you for the opportunity to permit us to clarify our position on this variance request. If you have any questions, please do not hesitate to telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: Ms. Lori Rhodes, AA Co.
Mr. Christopher Frank, Hammonds Wilson Architects
Ms. Kerrie Gallo, CAC



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February 12, 2008

Ms. Cathy Maxwell
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, MD 21617

Re: James T. Jones - V-010005

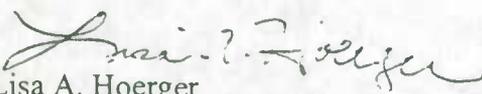
Dear Ms. Maxwell:

Thank you for forwarding information for the above referenced variance request. The applicant proposes to construct a 6 foot x 20 foot second floor deck to an existing detached garage. The variance is required for a building setback. This office does not oppose the request to the building setback; however, while it appears there are no Critical Area issues associated with this variance request, the application materials provided to this office do not indicate the total impervious surface on this lot and whether this deck would be pervious or impervious.

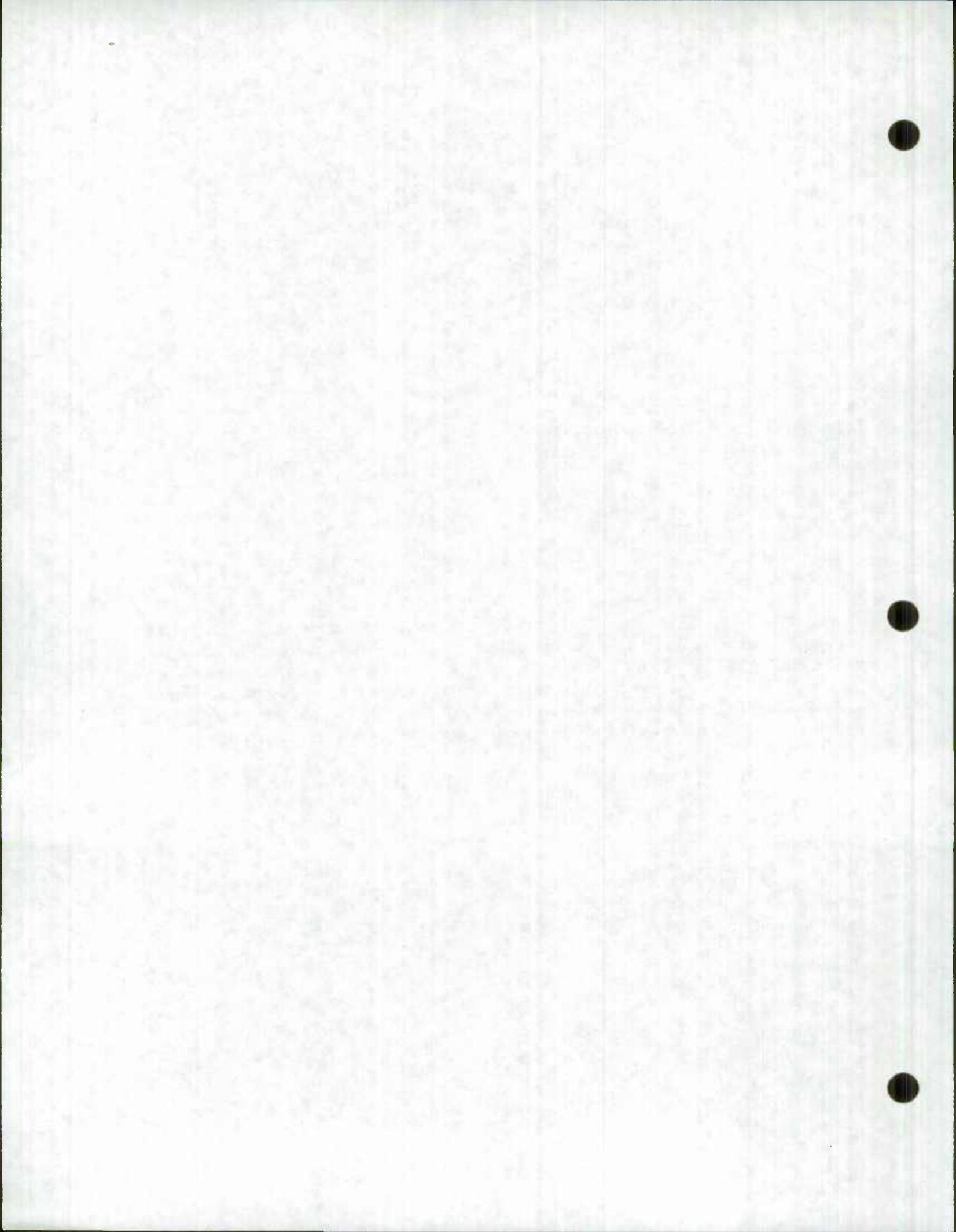
It is also unclear from the site plan provided whether the second floor deck will be over an existing pervious or impervious area. In any case, the County should ensure any improvements to this lot not exceed the allowable impervious surface limits; otherwise an impervious surface variance may also be required.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Regional Program Chief

cc: QC 69-08



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February 14, 2008

Mr. Donald J. Bautz, Jr., Acting Director
Department of Planning
City of Havre de Grace
711 Pennington Avenue
Havre de Grace, Maryland 21078

Re: Maritime Museum

Dear Mr. Bautz:

Thank you for forwarding information on the above-referenced request to construct a patio within the 100-foot Buffer. On January, 2008, I sent an electronic mail response to your inquiry concerning this site, but would like to provide this follow-up letter for your file. The site is included in the Town's Buffer Exemption Area (BEA) and has a Critical Area designation of Intensely Developed Area (IDA). It is our understanding that the applicant proposes to construct an open-air stamped concrete patio that will be inside the 15-foot Bufferyard.

Section 1-111 (g)(1) of the Town's ordinance states that there shall be a minimum 15-foot vegetated Bufferyard on sites in the Town's Buffer Exemption Area. Since the site is designated as a BEA, the patio must be set back a minimum of 15-feet. This setback is measured from the edge of Mean High Water or the edge of tidal wetlands, whichever is further inland. In addition, the ordinance requires this setback to be densely planted with native trees, shrubs and herbaceous plants with mulch.

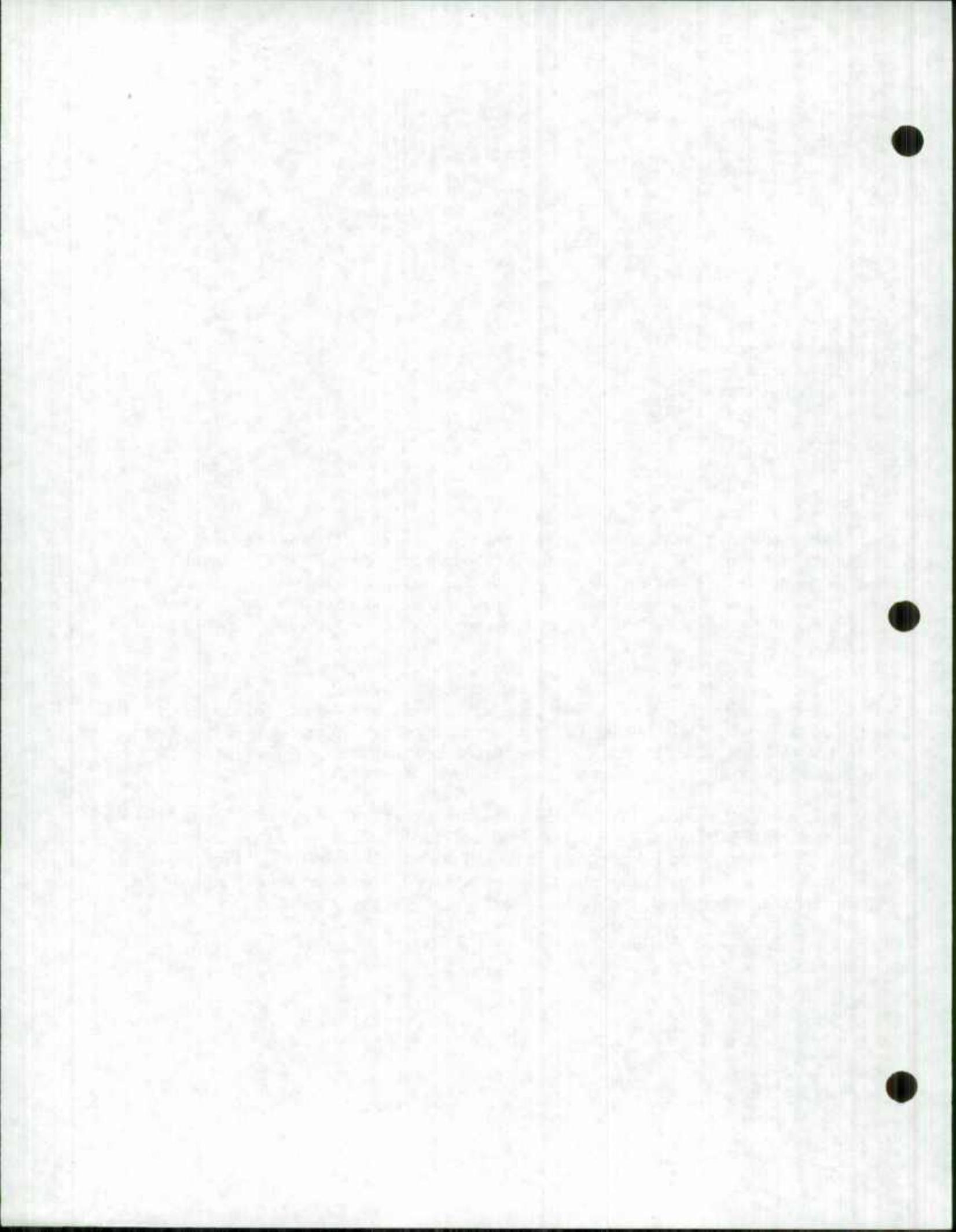
If the applicant installs a patio landward of the 15-foot setback, a variance would not be required provided the area of that patio is mitigated at \$2.50 per square foot. In addition to the planted setback and fee, the 10% Pollutant Reduction calculations are required since this site is also in the IDA. If a removal requirement is generated, then sufficient area outside the 15-foot setback would need to be provided to allow for a Best Management Practice to treat any removal requirement.

Please notify this office of the action taken by the Town in this case. If you have any questions, please telephone me at anytime (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief



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February 14, 2008

Mr. Duncan Stewart
City of Baltimore Planning Commission
Department of Planning
417 E. Fayette Street, 8th Floor
Baltimore, Maryland 21202-3416

Re: Middle Branch Park
Temporary Rowing Racks and Enclosure
Consistency Report

Dear Mr. Stewart:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. The project involves placing three metal rowing shell racks on a mulch surface surrounded by a chain link fence partially within the 100-foot Buffer. It is our understanding at this time that the siting of these racks will be on a temporary basis since they are proposed for placement in mid-February, 2008 and removed by June 30, 2008.

After reviewing the consistency report this office agrees that the project is consistent with the Baltimore City Critical Area Program for the reasons outlined below.

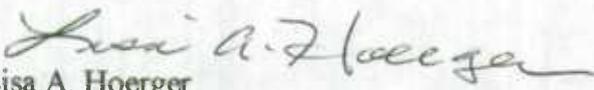
1. The rowing racks and enclosure will exist on a temporary basis.
2. No clearing is proposed.
3. No impervious surface is proposed.
4. No stormwater management or sediment and erosion control is required given the scope of the project.

Mr. Stewart
February 14, 2008
Page Two

As stated above, it is our understanding these rowing racks will exist for approximately four months; however, if this circumstance changes please contact this office since permanent placement of these rowing racks will require Commission approval.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,


Lisa A. Hoerger
Regional Program Chief

cc: BA 95-08

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Ren Serey
Executive Director

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February 15, 2008

Ms. Gail Owings
Kent County Department of Planning, Housing
and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

Re: H. Bayard Williams
13919 Greg Neck Road, 08-163

Dear Ms. Owings:

This office has received the special exception request for the above-referenced property. The applicant proposes to construct 1,680 square foot garage. It appears no Habitat Protection Areas will be impacted as a result of the proposed garage location. Provided all applicable Critical Area requirements of the Kent County Ordinance are met (e.g., impervious surface limitations, afforestation) this office has no further comment.

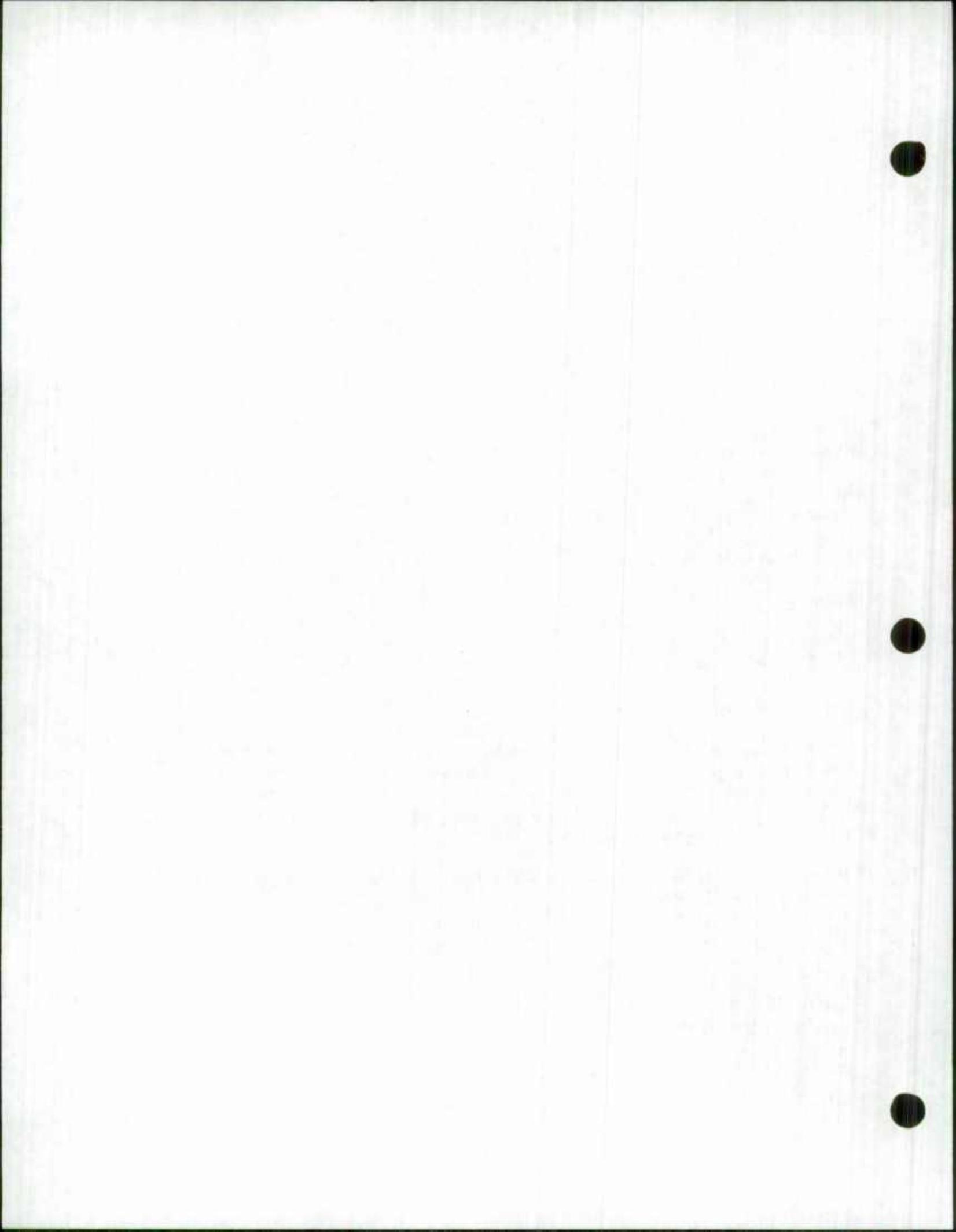
Thank you for the opportunity to comment. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

cc: KC 80-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



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Ren Serey
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February 27, 2008

Ms. Angela Willis
Environmental Analyst
Project Planning Division
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

Re: MD 170 from MD 648 to 10th Avenue
Anne Arundel County, Maryland

Dear Ms. Willis:

Thank you for sending this office the revised information concerning the above-referenced project. It is my understanding that the change involves installing riprap stabilization at the endwalls/outlets of three drainage structures. I have reviewed the 10% Pollutant Removal calculations and agree that this additional impervious area will not generate a removal requirement. However, SHA intends to install two additional 2.5 caliper trees for the additional impacts. Please forward an amended landscape plan for our files.

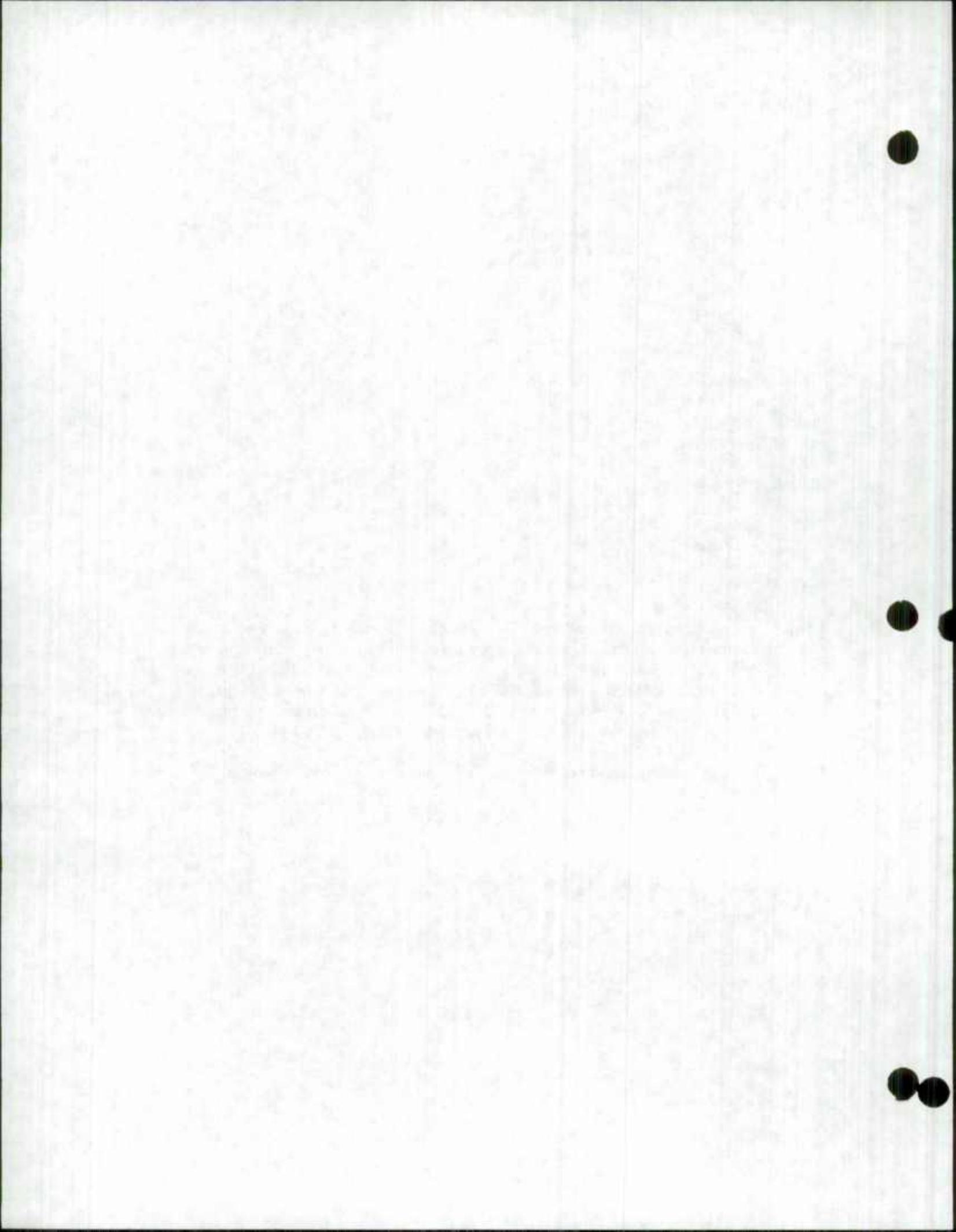
Thank you again for continuing to coordinate with Commission staff on this project. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

cc:



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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Executive Director

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March 5, 2008

Mr. Duncan Stewart
City of Baltimore Planning Commission
Department of Planning
417 E. Fayette Street, 8th Floor
Baltimore, Maryland 21202-3416

Re: Swan Park Renovation
Environmental Remediation and Rebuilding of Ballfields
Consistency Report

Dear Mr. Stewart:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. The project involves environmental remediation of an existing park by covering it with two feet of soil, and rebuilding the ballfields for recreation purposes.

After reviewing the consistency report this office agrees that the project is consistent with the Baltimore City Critical Area Program provided an off-site planting location is found, and for the reasons outlined below.

- The proposed improvements do not change the use of the site prior to the remediation project.
- No more than 50% of the total Buffer area will be developed and these impacts will be mitigated through the payment the Buffer offset fee.
- All proposed clearing inside and outside the Buffer will be mitigated at an off-site location.
- Although the 10% stormwater calculation generated a negative removal requirement, the City will install two grass swales to meet MDE's stormwater requirements.

Mr. Stewart
March 5, 2008
Page Two

The off-site planting location to accommodate 70,974 square feet (1.63 acres) should be identified and approved by the relevant City agencies and Commission staff prior to completion of the project. Please provide Commission staff with the status of the off-site planting as soon as it becomes available.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,


Lisa A. Hoerger
Regional Program Chief

cc: BA 94-08

Martin O'Malley
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March 12, 2008

Mr. Anthony DiGiacomo
Cecil County Planning and Zoning
200 Chesapeake Boulevard, Suite 2300
Elkton, Maryland 21921

Re: Bayhead Shores Estates, Lots 33-43, 46-58, 67-74 and Common Open Space
Lots 23-32, 59-66 and Common Open Space

Dear Mr. DiGiacomo:

I have received a copy of the preliminary plat and plats for the above-referenced project. This office previously reviewed this subdivision request in 2004 and 2005. From the information provided it appears the site is entirely within the Limited Development Area. Except for historic waterfowl concentration areas, there appears to be no other Habitat Protection Areas that exist on this site. I have outlined my comments concerning this proposal below.

1. The site plan indicates slopes that are between 15% and 25% in the area of proposed lot 61 and in the area of the proposed roadway adjoining lot 61. While other areas of isolated steep slopes occur on this site, this appears to be the only area where development activities could impact steep slopes; therefore, absent a redesign, we recommend lot 61 be eliminated since disturbance of steep slopes is prohibited, and this office would not support a variance to create a new lot in the Critical Area that does not meet all the requirements.
2. The impervious surface cover shown on the plan indicates the subdivision will be built out to the maximum 15% impervious surface limits. As stated in our previous comments letters on this project we recommend the applicant reduce the initial impervious areas on the site in order to account for future homeowner improvements to each lot. The law states that impervious surfaces may not exceed 15%; therefore, the applicant must factor in future impervious areas into the initial approval of the subdivision.

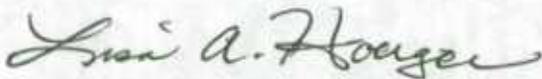


Mr. DiGiacomo
March 12, 2008
Page Two

3. It is not clear from the information provided whether each individual lot within the Critical Area portion of the site will meet the 25% impervious surface limitation per lot. This must be confirmed prior to final approval.
4. The applicant should provide the County with the amount of lot area for each lot that is partially inside the Critical Area in order to determine how much impervious surface is permitted since the portion of the lot outside the Critical Area cannot be used to generate impervious area. This should include lots 37, 48, 57, and 64-70.
5. The amount of proposed clearing inside the Critical Area has been provided in the Environmental Assessment document dated March 2005; however, it does not appear on either the plat or plans. Please ensure this information is included on the plat.
6. The stormwater management access, inspection and maintenance easement appears to overlap portions of the Forest Conservation Easement. We recommend that either the stormwater easement be reduced, or the forest easement be reduced to avoid this overlap.
7. The final landscape plan and location of all required reforestation plantings must be provided prior to final approval.
8. Our file includes meeting minutes dated 12/22/05 that suggest in item #5 that a portion of the open space across the road from lot 75 be added to lot 75 in order to alleviate the current nonconforming status of this lot with regard to the impervious surface limits. If the County permits this option, the undeveloped portion of the lot should be set aside in an easement to ensure no further development of impervious surface or man-made materials is permitted.

Thank you for the opportunity to provide comments. Please telephone me at (410) 260-3478 if you have any questions concerning the above comments.

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: Kate Schmidt, Natural Resources Planner – CAC
CE 816-04

Martin O'Malley
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April 4, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

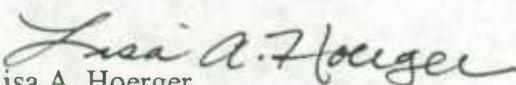
Re: Eagles Passages, Section 5, Lots 38 and 39
Resubmittal, Final Plat

Dear Mr. Burke:

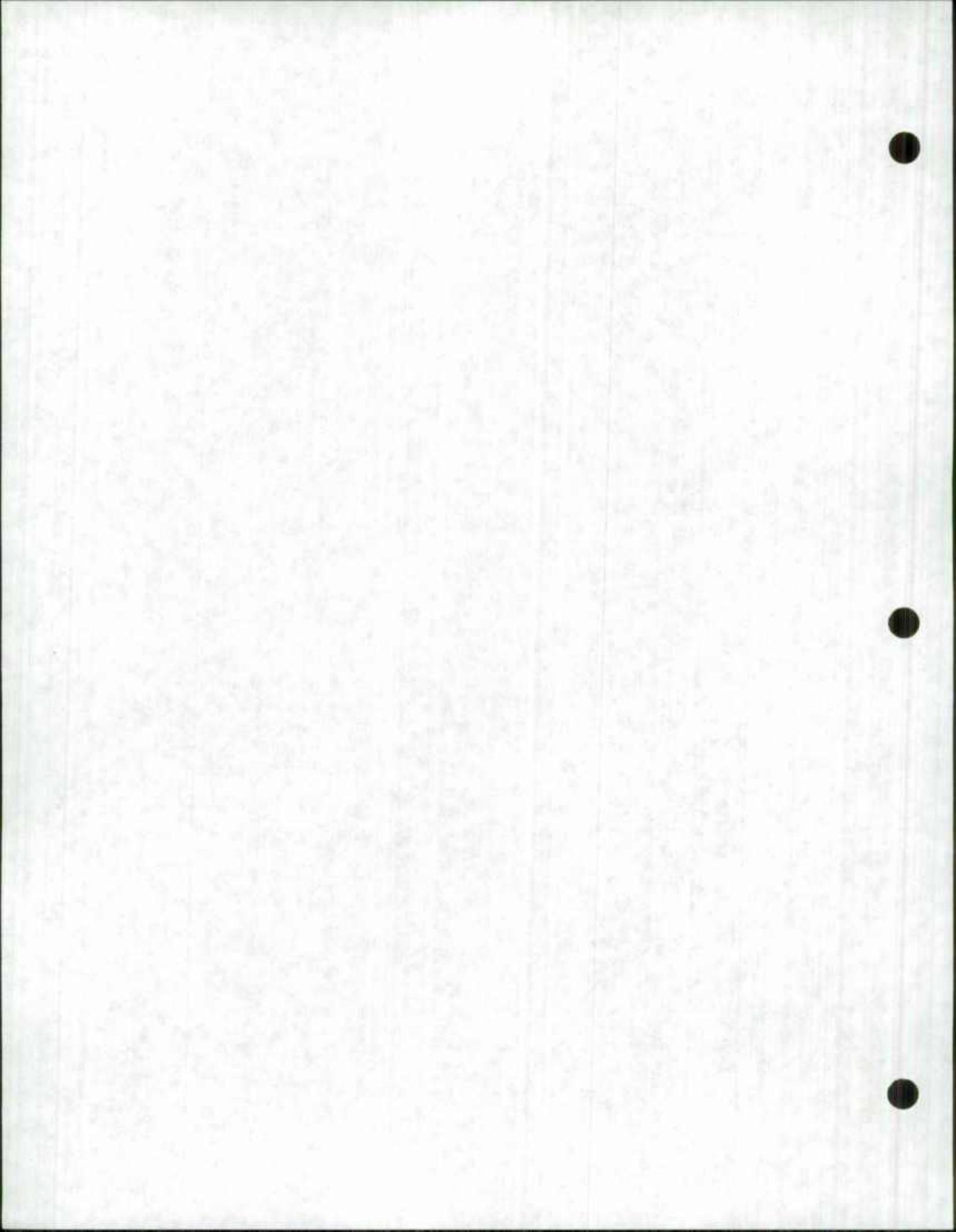
I have received the resubmittal for the above-referenced subdivision request. It appears the County has met with the owner of lot 38 to locate a potential water access path, and the owner is aware of required permits for access and pier construction that may be required for that access to occur. Since both property owners are aware of the implications of this request, and based on our site visit and evaluation of the site, this office has no further comments.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Regional Program Chief

cc: Dr. Perry Lucente, Lot 39
Ms. Amber Widmayer, Natural Resources Planner



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April 24, 2008

Mr. Donald J. Bautz, Jr., Acting Director
City of Havre de Grace
Department of Planning & Zoning
711 Pennington Avenue
Havre de Grace, Maryland 21078

Re: City of Havre de Grace - Water Treatment Plant, Temporary Parking

Dear Mr. Bautz:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. As you know, this office reviewed the Water Treatment Plant expansion in the fall of 2006 and found it to be consistent with the Havre de Grace Critical Area Program. It is our understanding that now the City needs to accommodate five temporary parking spaces within the Buffer as there are no feasible alternatives.

After reviewing the consistency report for the temporary parking spaces, this office agrees that the project will continue to be consistent with the City of Havre de Grace's Critical Area Program for the reasons outlined below.

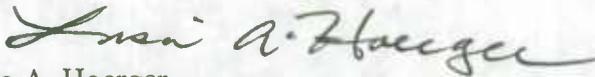
- The proposed parking spaces will only be in place for a period of 18 months.
- No clearing or grading will be required.
- The area will be restored with native, Buffer plantings when the parking spaces are removed as provided in the Critical Area Mitigation Plan dated July 2007.

Mr. Bautz
April 24, 2008
Page Two

As stated above, it is our understanding these parking spaces will exist for approximately 18 months; however, if this circumstance changes please contact this office since the permanent location of these parking spaces will require Commission approval.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: AA 217-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

www.dnr.state.md.us/criticalarea/

May 16, 2008

Mr. C. Pete Gutwald, Director
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21401

Re: Harford County Critical Area Program
Six Year Comprehensive Review

Dear Mr. Gutwald:

Thank you for forwarding the proposed changes to the Harford County Zoning Code that pertains to the Critical Area Overlay District. In addition to some minor changes the update includes changes made to the Critical Area Law by the Maryland General Assembly over the past several years. I have completed a preliminary review of the Section 267-63 and will provide preliminary comments; however, I will provide more detailed comments once I have had a chance to review other portions of the County Code that implement the County's Critical Area Program. In the interim, it may benefit and expedite this review process if I met with your staff to review many issues that are specific to Harford County.

As you are aware, the General Assembly passed House Bill 1253 during the most recent session, which resulted in additional changes local governments will be expected to incorporate into their local Critical Area programs. Currently, Commission staff is working to update our "Model Ordinance" to distribute to all local governments in order to provide language to put into local programs. This should be completed within the next month. Therefore, the County may wish to include these mandated changes during this comprehensive review process.

When the County does submit its final Code revisions, there are several items that are required in that submission. They include an updated accounting of the County's growth allocation reserves, including a detailed listing of all growth allocations, confirmation that the County has been working with the Department of Natural Resources in updating its threatened and endangered information, and updated Critical Area maps that reflect any mapping changes since the last review.

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



Mr. Gutwald
May 16, 2008
Page Two

Preliminary Comments

In regard to the recent draft dated May 2007 I have several basic questions that require clarification so that I might understand the County's proposal. They are outlined below.

Since I do not see any references to stormwater management or sediment and erosion control in this current draft, I assume these items are covered in other sections of the Code and these sections will also require a review.

From a cursory review of the draft document, it appears that each section does not include a description and any general policies with regard to each topic. We recommend these be included with each section.

The reference to the updated 10% Commission Guidance Manual is not reflected throughout the draft.

Section 267-63 F (3) (a) [2] refers to the old document. We recommend references that document to ensure the most recent application of the 10% rule is applied to residential properties.

Section 267-63 F (3) (b) [2] [c] should be modified to state, "... may not exceed 15% of *the entire subdivision* with the Critical Area" rather than "portion of the lot".

Section 267-63 F (3) (b) [3] should be modified to state, "No development shall be permitted on slopes greater than 15% *as measured before development.*"

Section 267-63 F (3) (b) [5] [b] indicates a fee of \$0.40 per square foot. From our experience with other counties, this fee may not be adequate to cover the costs for planting.

Section 267-63 F (3) (b) [7] mentions incorporating a wildlife habitat, however, there should be a requirement to place these habitats in an easement or place a covenant on the land.

Section 267-63 F (3) (c) refers to uses in the Resource Conservation Area and excludes County-owned parks and recreation facilities from being prohibited. When a local jurisdiction proposes any active recreational uses in the Resource Conservation Area, that development activity will require review and approval by the Critical Area Commission.

Mr. Gutwald
May 16, 2008
Page Three

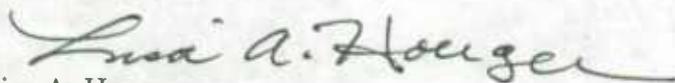
In regard to this section, does the County have a list or table of permitted uses in the Resource Conservation Area that do not require growth allocation? If not, we should discuss this since the Commission typically requires a list.

Section 267-63 F (4) is the agricultural element of the County's Critical Area program. I have identified numerous items that require discussion with staff since it appears certain elements are missing.

I will provide more detailed comments for the remaining draft document as soon as possible; however, I hope these preliminary comments help you to begin discussion with Commission staff on these issues.

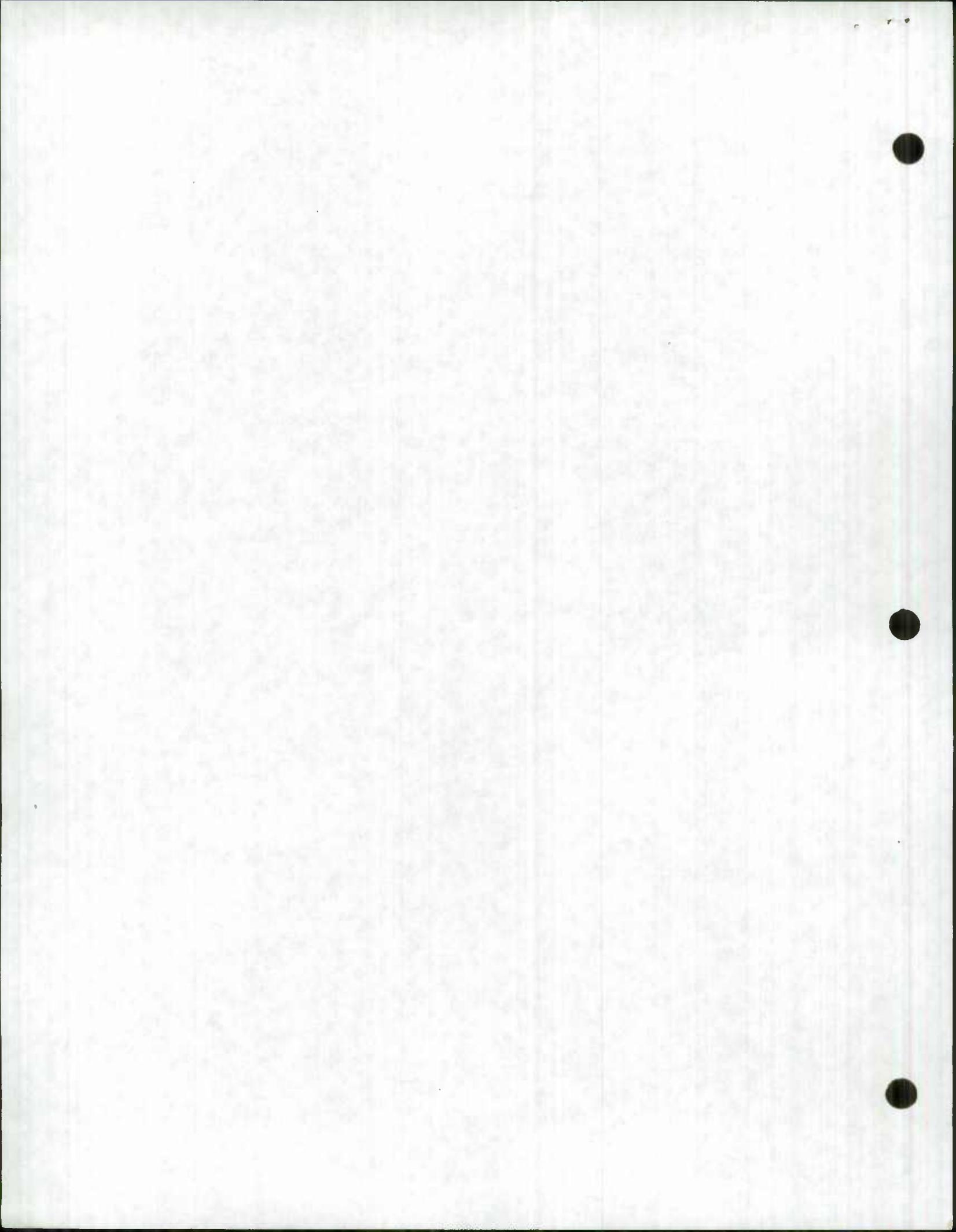
As always, I am available to discuss the details of this review. Thank you again for providing us with the opportunity to provide comments.

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: Ms. Patricia Pudelkewicz
Ms. Michele Bynum



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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April 30, 2008

Mr. Elder Ghigiarelli
MDE, Water Management Administration
Wetlands and Waterway Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: H-Field Test Area
Aberdeen Proving Ground

Dear Mr. Ghigiarelli:

This office has received the above-referenced project for review and comment. The Department of the Army proposes to construct a moving target system for tank training operations. The entire project site is in the Critical Area. For the reasons outlined below, Commission staff finds this project to be consistent with the goals and objectives of Maryland's Critical Area Law and Criteria.

Commission staff reviewed the application materials and performed a site visit. The site is considered an area not intensely developed; therefore, 15% impervious surface limits, clearing limits, and stormwater management measures apply to this project. From the information submitted, it appears the applicant will not exceed the 15% impervious surface limitation. No clearing will occur; therefore no reforestation will be required, and afforestation is also not required.

The entirety of the moving target simulator is located in the expanded Buffer for hydric soils. It is my understanding the footprint of the simulator is within a nontidal wetland and has received all necessary wetland permits for its construction. In addition, a combination of wetland creation and wetland enhancement will be provided to mitigate for impacts to the nontidal wetland that is part of the expanded Buffer. The mitigation ratio required for the nontidal wetland impacts is 1:1; therefore, since this resource overlaps with the Critical Area expanded Buffer, a 2:1 mitigation ratio will be required for the area disturbance to satisfy Critical Area mitigation requirements.



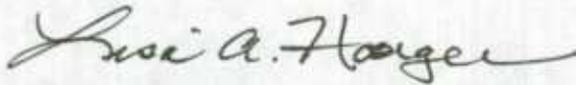
Mr. Elder Ghigiarelli
April 30, 2008
Page Two

The location of this facility may be permissible in the Buffer provided no feasible alternative exists. The original concept included a larger footprint that would have resulted in greater impacts to the resources on site. However, several modifications were made to the plan to reduce the overall impacts including reducing the footprint and exploring alternative locations. Since the proposed second moving target simulator was required to be in close proximity to the existing moving target simulator, and the opposite side of the site is forested and would involve more resource impacts, this area of the site was selected.

The project is described by the Army as "military unique" and due to its necessity with regard to National Security this office finds this application to be consistent with the goals and objectives of the Critical Area Law and Criteria. The applicant has been provided with a Critical Area Planting Agreement Form, and we will continue to work with them to find a suitable mitigation site and plan for these impacts.

Thank you for the opportunity to comment. Please do not hesitate to telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: Mr. Kenneth P. Stachiw, APG
Mr. Steve Wampler, APG
Mr. Dave Walbeck, MDE

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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May 27, 2008

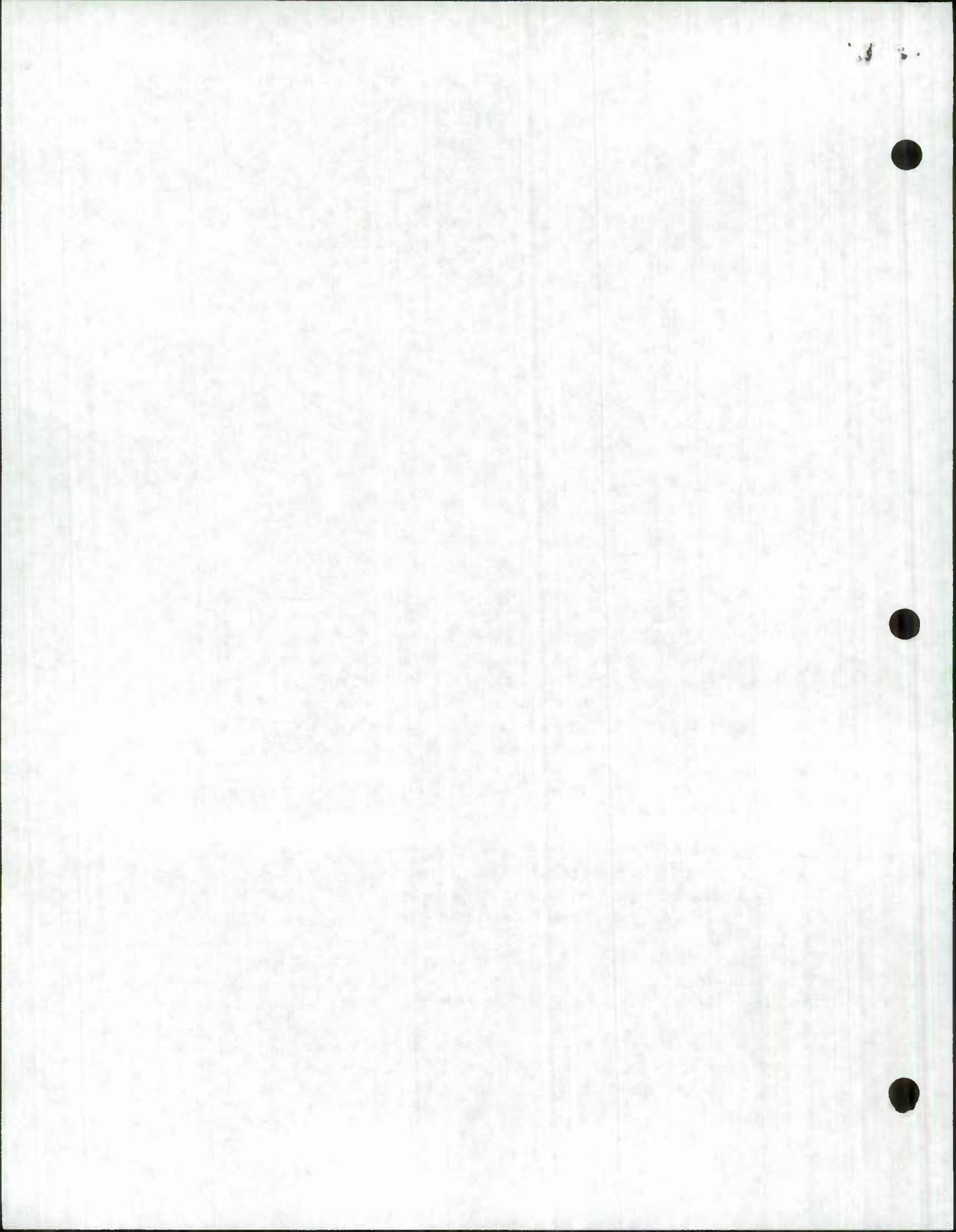
Janet Davis, Critical Area Planner
Development Review & Permitting
One W Market Street, Room 1201
Snow Hill, Maryland 21863

**RE: Tax Map 9, Parcel 328 (12507 Collins Road)
Dale and Denise Venable**

Dear Ms. Davis:

Thank you for providing the revised plan for the above referenced variance. The site is an 110,663 square foot parcel located within the Resource Conservation Area (RCA) of the Atlantic Coastal Bays Critical Area. The property is currently developed with a house, attached garage and paved driveway. There is a tributary stream on the property with a 100-foot Buffer as required by Worcester County Code §NR 3-104 and COMAR 27.01.09.01C.1. The applicant has requested a variance to allow new development within the Buffer. With the submitted plan, the applicant proposes to build a new driveway and accessory structure in the form of a detached garage within the 100-foot Buffer. The revised proposal does not conform to the Critical Area law or the County's Critical Area Program because both the County Code and COMAR prohibit new, non-water dependant development in the Buffer.

The Critical Area staff has conducted a thorough analysis of the site conditions using aerial photography and GIS mapping to confirm the applicant's survey of the house, drive, trees and other drainage features. The location of significant features that would not be visible by photography or site visit, such as the sewage reserve area and drainfield are shown on the survey and are presumed to be accurate. The applicant has submitted that there is a stream on the site which conforms to the definition of a stream that requires a 100-foot Critical Area Buffer under County Code §NR 3-104. There has been no suggestion from the applicant to dispute the presence of such a stream and Buffer. All features that pertain to applicable criteria (please see below) are clearly evident on aerial photography and site plans. Please note that in such cases, no site visit is deemed necessary to evaluate the proposal based on the standards for a variance. However, if the applicant feels that a meeting at the site is desired regardless, please contact me to schedule the meeting. The



granting of a variance must be decided based explicitly on the standards laid out in the County Code and COMAR. In this case the proposal clearly does not meet the standards. The applicant has not provided any material to indicate that a site visit would offer additional information pertaining to the standards, which are further discussed below.

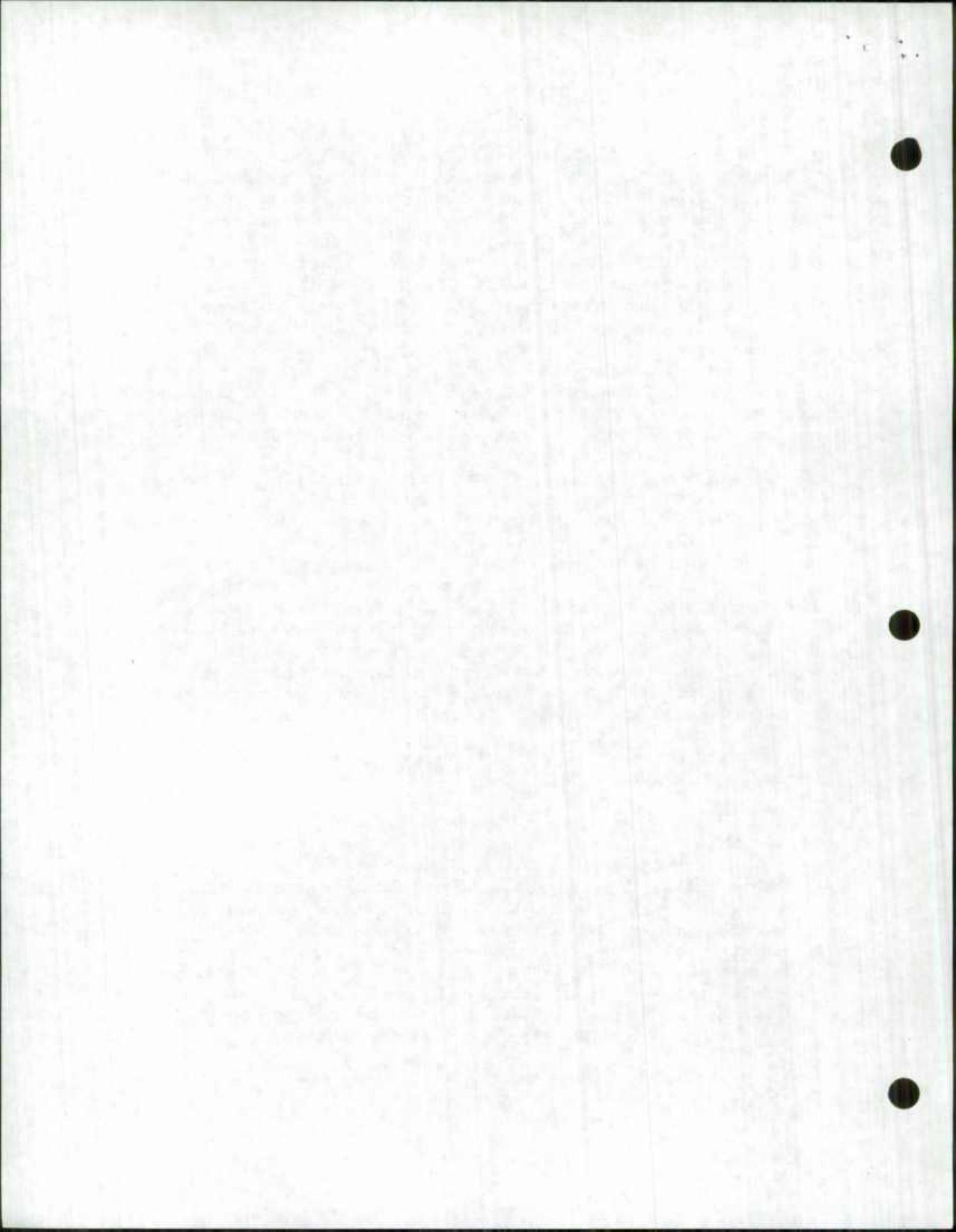
In 2002 and 2004, the Maryland General Assembly reiterated its commitment to the protection of the water quality and habitat of the Chesapeake and Atlantic Coastal Bays Critical Area by strengthening and clarifying the Critical Area law, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly stated that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied the burden to prove that the request meets each one of the County's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot.

County Code §NR 3-111 (a) states that a variance may be granted if a literal enforcement of the provisions of the Program would result in an unwarranted hardship. The unwarranted hardship standard was formerly listed as one of the standards listed in §NR 3-111 (b). In reviewing this application there is reasonable use of the entire property since the site has adequate space outside of the Buffer to construct a garage and driveway of the same or similar size and accessibility, such as over the existing paved driveway/parking area or over the lawn in the northeast corner of the property. Also, there is reasonable use of the entire lot as it is currently developed with a deck, attached garage, deck, lawn area and dwelling. The variance to the 100-foot Buffer cannot be granted unless the applicant proves, and the Board finds, that without the variance, the applicant would suffer an unwarranted hardship, that is "denial of reasonable and significant use of the entire parcel or lot." This standard has not been met, and accordingly the variance should be denied.

I have discussed each one of the County's variance standards found in §NR 3-111 (b) below as it pertains to this site:

1. Special conditions or circumstances exist that are peculiar to the applicant's land or structure and a literal enforcement of provisions and requirements of the County's Atlantic Coastal Bays Critical Area Program would result in unwarranted hardship;

Currently, the lot is developed with a single family home, driveway, parking space, and deck that are partially within the 100-foot Buffer. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. The applicant has use of the deck, house, drive and parking already partially within the Buffer. Based on this information, we do not believe that the County has evidence on which to base a favorable finding on this factor for an additional large detached structure completely within the Buffer.



2. A literal interpretation of the provisions of the County's Atlantic Coastal Bays Critical Area Program and related laws will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Atlantic Coastal Bays Critical Area;

The applicant has a reasonable use of this property for residential purposes including a deck, lawn yard area, house, attached garage and driveway/parking that are all partially within the Buffer, and therefore, would not be denied a right commonly enjoyed by neighboring properties. From a review of the application we believe that there is opportunity to enjoy the property and construct a garage similar in size and accessibility to the proposed, in a manner that meets the Buffer regulations and remains consistent with the Worcester County Critical Area Regulations. Other property owners do not have a right to construct a new accessory structure and paved driveway in the Buffer. Therefore, denial of a variance for the accessory structure (garage) and additional parking area would not deny the applicant a right commonly enjoyed.

3. The granting of a variance will not confer upon an applicant any special privilege that would be denied by the County's Atlantic Coastal Bays Critical Area Program to other lands or structures within the Atlantic Coastal Bays Critical Area;

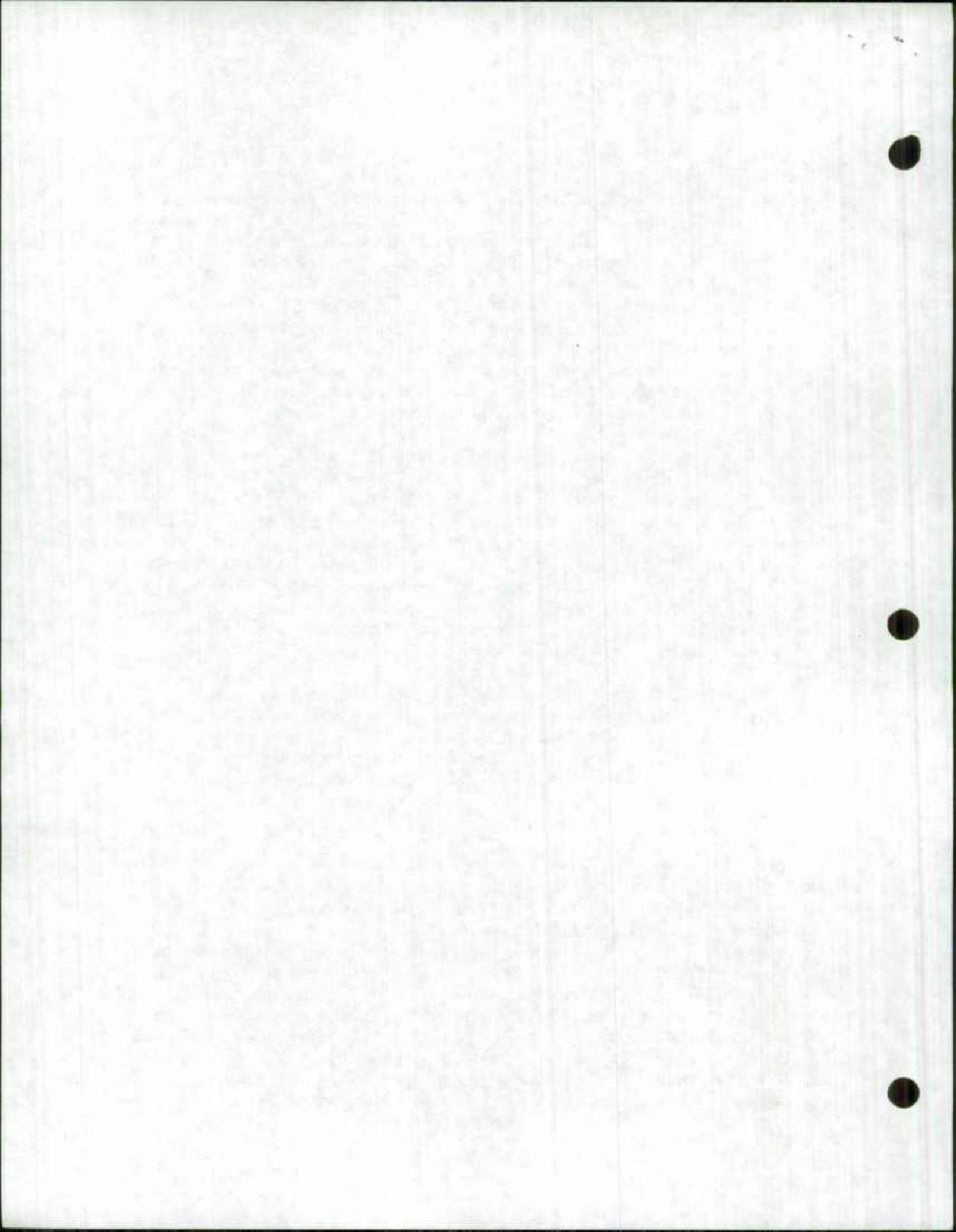
If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. To grant a variance to the Buffer beyond what has been established as law by the County would confer a special privilege on the applicant. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that the proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

4. The variance request is not based upon conditions or circumstances which are the result of actions by the applicant nor does the request arise from any condition relating to land or building use, either permitted or non-conforming on any neighboring property;

In contrast, the need for a variance to allow an accessory structure in the form of a large detached garage and additional paved parking area is directly the result of the applicant's proposal, for which there is a reasonable alternative location outside the Buffer.

5. The granting of a variance shall not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Atlantic Coastal Bays Critical Area and the granting of the variance will be in harmony with the general spirit and intent of the County's Atlantic Coastal Bays Critical Area Program;

In contrast, granting of this variance is not in harmony with the general spirit and intent of the Critical Area Program. The drainageway on the applicant's property has been recognized as a tributary stream by the County and is subject to the one-hundred-foot Buffer. This Buffer is required to be established from the edge of the bank of tributary streams by Worcester County Code §NR 3-104(a). New development and impervious surfaces in the Buffer, along with the associated disturbance to the land, results in lost habitat value and less biofiltration of stormwater by vegetation. New development activities, including new structures and impervious surfaces are not allowed in the



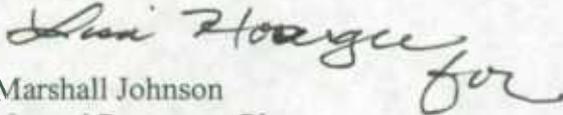
Buffer, as stated in the Worcester County Code §NR 3-104(c). This standard is not met because the applicant has the opportunity to place the accessory structure outside of the 100 foot Buffer.

6. The Board of Zoning Appeals shall not make a decision relative to a request for such a variance without reviewing the comments of the Department and finding that the applicant has satisfied each of the provisions and standards contained herein

It is our position that the Board must deny the application for variance to the Buffer, unless the Board finds, by competent and substantial evidence, that the applicant has met the burden of proof to overcome the presumption of non-conformance, and the burden to prove that the applicant has met each one of the County's variance standards.

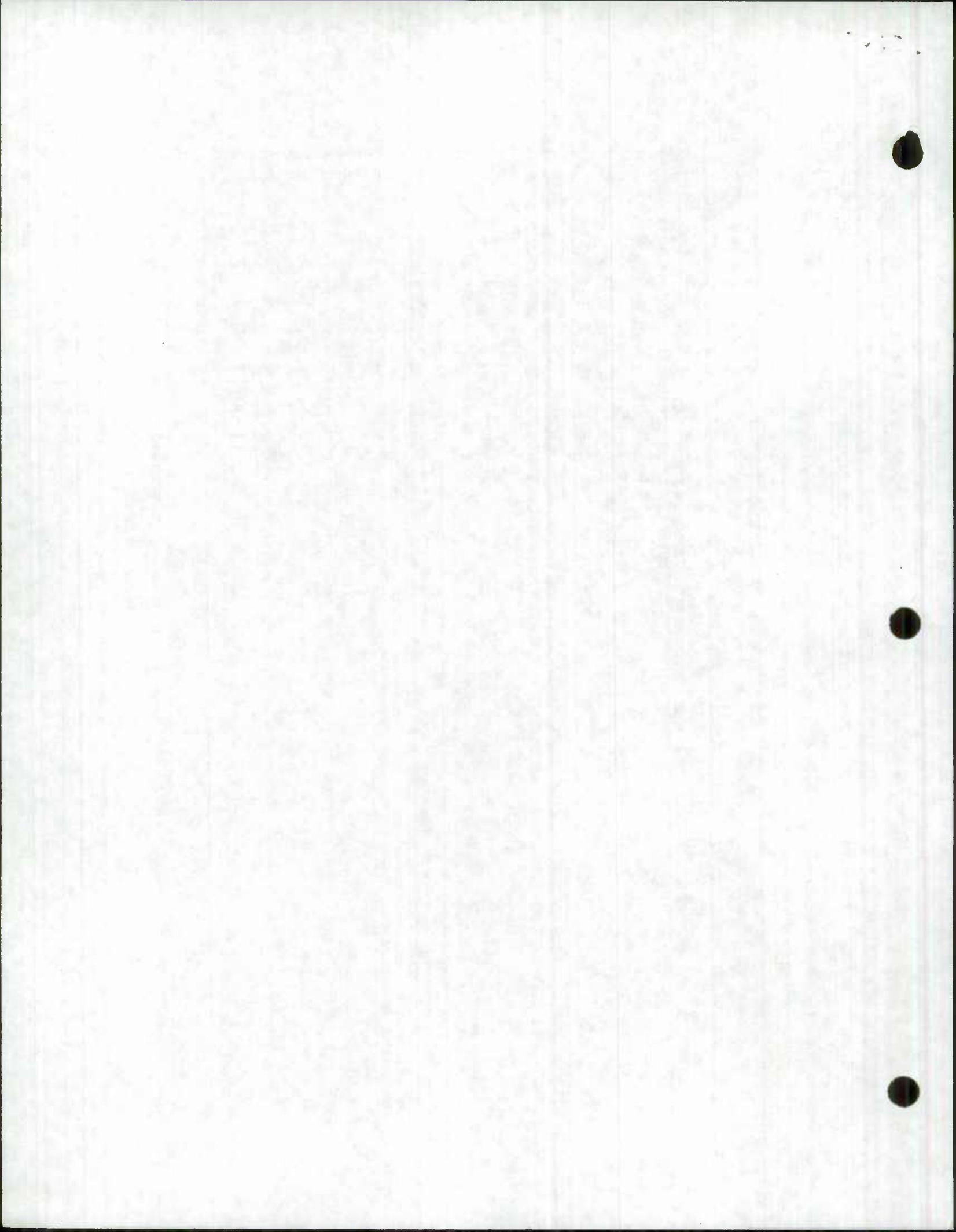
Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3460.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marshall Johnson for".

Marshall Johnson
Natural Resources Planner

cc: WC 221-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

May 29, 2008

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

Jennifer Jackson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

**RE: File #07-06-11-0012-C (Tax Map 5, Grid 4, Parcel 90)
Ramsey Interfamily Transfer Subdivision**

Dear Ms. Jackson:

Thank you for the information concerning the above referenced proposal. The property is a 13.8 acre property entirely within the Critical Area and is designated RCA. There are currently four dwellings on the site which were emplaced prior to the effective date of the County Critical Area program, one of which is labeled as "to be removed" on the subdivision plan. The applicant is currently seeking to subdivide the parcel into three lots under County Code § 14:1-39.D Intrafamily Transfer provisions. It is our understanding that no new development is proposed as part of this application.

Please ensure that the applicant has complied with all requirements under the Intrafamily Transfer Provision as outlined in § 14:1-39.D, including that deeds of transfer shall include a covenant stating that the lot is subject to the provisions of the this Chapter 14:1, as amended. These covenants shall restrict the subsequent transfer or sale of a lot or lots created pursuant to the intrafamily transfer provisions contained herein to a third party who is not a member of the owner's immediate family or a holder of a mortgage or deed of trust on the property, except as provided in this Chapter 14:1.

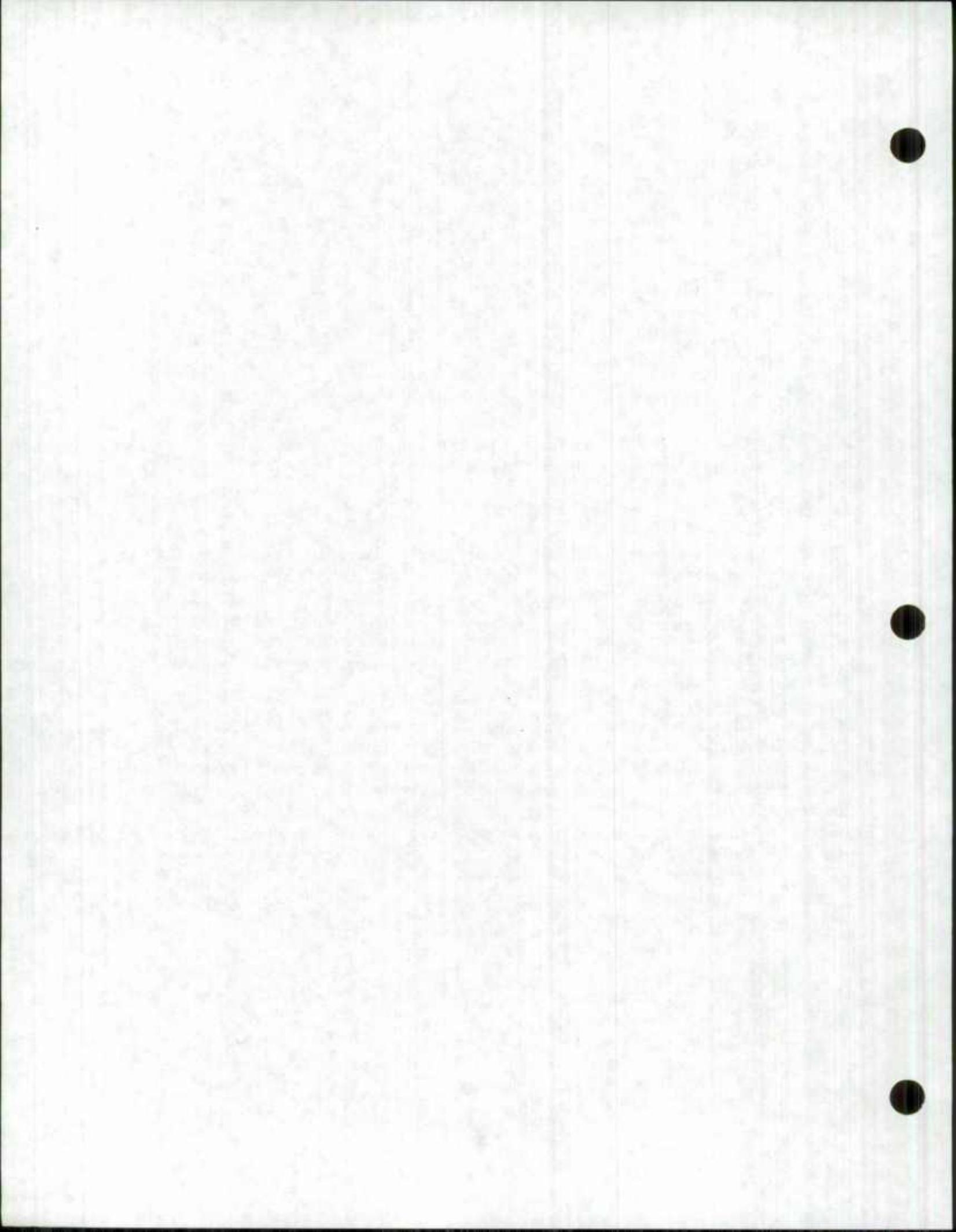
Thank you for providing the information regarding this minor subdivision. If you have any questions related to this project please feel free to call me directly at 410-260-3479.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

cc: QC 761-06



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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May 29, 2008

Mr. Brian Lindley
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Illegal Bulkhead Construction
1506, 1508, 1510 Galena Road

Dear Mr. Lindley:

This office is in receipt of the above-referenced violation case. It is our understanding an illegal bulkhead was constructed across the water side of the three above-mentioned properties without the benefit of permits from the Army Corps of Engineers, the Maryland Department of the Environment and the Department of Environmental Protection and Resource Management of Baltimore County. This illegal construction occurred in the Critical Area of Baltimore County.

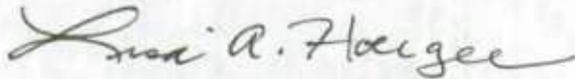
While the Critical Area Commission does not issue permits for this type of development activity, the Commission has standing to participate in this matter concerning a development project in the Critical Area. Annotated Code of Maryland, Natural Resources Article § 8-1812. As you know, the Critical Area also includes "All water of and lands under the Chesapeake Bay and its tributaries..." Natural Resources Article §8-1807(a)(1). Illegal construction in the Critical Area, particularly at the shoreline, causes immediate adverse impacts to fish, wildlife, and plant habitat, and to water quality.

This letters serves as a request that the Administrative Hearing Officer order the immediate removal of the structure across these properties and immediate removal of any unauthorized fill. Further, the Critical Area Commission would support the County's request for total restoration of the site to its pre-construction condition. The Critical Area Commission believes that these requests are consistent with the Baltimore County Critical Area Program's intent to minimize adverse impacts to water quality and to conserve fish, wildlife and plant habitat along the County's waterways.

Mr. Lindley
May 30, 2008
Page Two

Please include this letter as part of the record before the Hearing Officer. Please notify the Critical Area Commission of the decision in this matter. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

cc: Margaret McHale, Chair, Critical Area Commission
Marianne Dise, Assistant Attorney General

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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May 29, 2008

Mr. Shawn Clotworthy
Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Pocomoke River Cable Installation
Pocomoke River WMA

Dear Mr. Clotworthy:

This office has been in contact with yourself and Mr. Bob Jump of the Choptank Electric Cooperative, Inc. concerning the installation of four new cables by the directional drilling method along the Pocomoke River. A portion of this work will occur on Department of Natural Resources land at the Pocomoke River WMA. Mr. Marshall Johnson of our office has reviewed the plans and visited the site. It was determined that because there will not be disturbance to the Critical Area portion of the site, as the directional drill points are not inside the Critical Area, it does not require Commission approval.

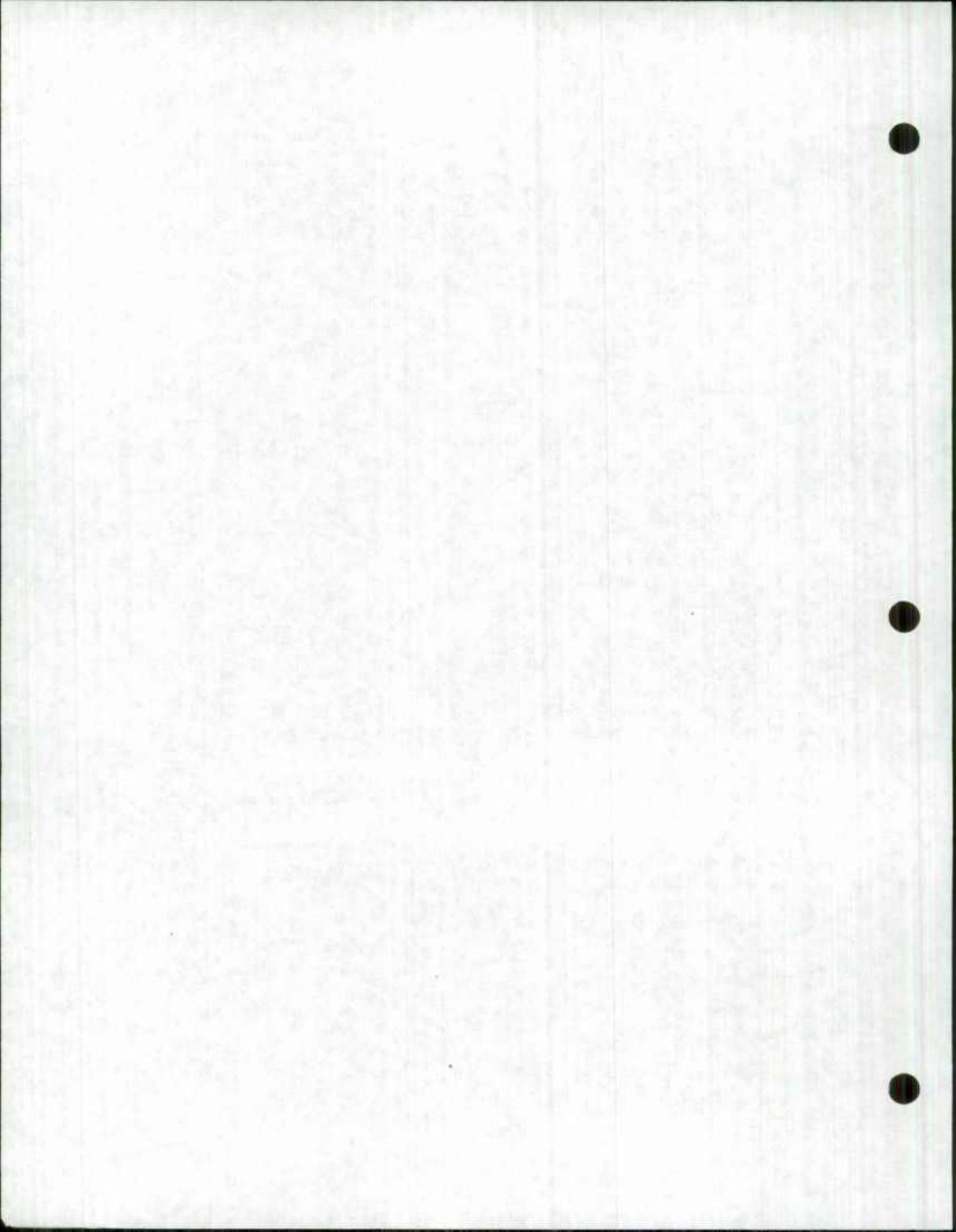
Thank you for continuing to coordinate with Critical Area Commission staff on projects that may affect the Critical Area on Department of Natural Resources lands. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

cc: Mr. Bob Jump, Choptank Electric Cooperative, Inc.
Mr. Marshall Johnson, Critical Area Planner



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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June 6, 2008

Ms. Janet Davis, Critical Area Planner
Department of Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

Re: Holland Point Subdivision (Showell School Road)
Tax Map 15, Parcel 189

Dear Ms. Davis:

Thank you for submitting the above referenced project for review and comment. The applicant proposes to create a 43-lot subdivision on 192.42 acres. The site has 136 acres inside the Critical Area, which are designated as a Resource Conservation Area (RCA). I have outlined my comments below.

1. The applicant will need an updated Environmental Review letter from the Department of Natural Resources' (DNR) Wildlife and Heritage Service since it is more than two years old. Please have the letter forwarded to this office when it becomes available.
2. The letter from DNR indicates that the site could support Forest Interior Dwelling Bird (FID) habitat. Based on the recent aerials, it appears this may be due to the existing riparian Buffer that lines the majority of the shoreline on this parcel; therefore, we recommend that the clearing on proposed lots 10, 11, and 15 not be permitted since these areas serve as a riparian zone and wildlife corridor along the shoreline.
3. There appears to be adequate space on this parcel to accommodate the allowable density, the road system, sewage disposal area and wells without clearing within the riparian areas.
4. The proposed size and quantity of plantings for the Buffer mitigation and any resulting Critical Area clearing mitigation should be increased.

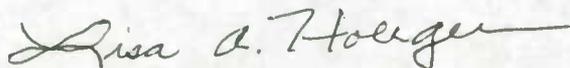
5. We recommend the entire Buffer and expanded Buffer be put in a permanent easement and owned by the homeowners, rather than have individual riparian lots. There appear to be adequate areas to provide common access to the water. Otherwise, what protection measures will the County require, in regard to the Buffer, from the developer and future lot owners?
6. Note #16 on the Preliminary Plat and the Critical Area plan indicates that the proposed outlots within the RCA may be developed if growth allocation is awarded. This note should be removed from the plat since these outlots are providing the open space requirements for the subdivision.
7. Even if growth allocation would be contemplated for these outlots, the entire acreage within the Critical Area would require deduction from the County's growth allocation allotment since the acreage of the outlots is being used to support the density of the six proposed lots.
8. The area of the outlots should be put in an easement to prevent future subdivision and to further demonstrate that the proposed subdivision is in compliance with the one-per-twenty density requirements of the RCA.
9. The applicant has chosen to place the required forest planting to meet the Forest Conservation Act (FCA) requirements on the Critical Area portion of this site. If future clearing of these areas is proposed, that clearing will trigger Critical Area mitigation requirements, in addition to any requirements of the FCA.
10. It is unclear whether outlots can also be utilized for recreation areas of a subdivision. Nevertheless, any proposed recreational activities in the RCA, like the proposed pedestrian and non-motorized circulation path, must be passive in nature; therefore, we recommend a plat note stating only passive recreation is permitted in the RCA.
11. It is unclear why the applicant chose to utilize two large stormwater management ponds in the Critical Area since there was no information in the submittal materials indicating how they would be constructed and what areas they are proposing to treat.
12. Any proposed stormwater management in the RCA cannot serve development outside of the Critical Area; therefore, if the County determines that these ponds are the most appropriate stormwater management treatment for the road system, the applicant must show that these ponds only treat impervious surface in the RCA.

Ms. Davis
June 6, 2008
Page Three

13. There are at least two proposed 15-foot wide stormwater access strips shown on the plat that run through the Buffer. Because we do not have details or are resolved that this is the best stormwater practice for this site, these access strips may not be necessary and should be removed from the plat.
14. The proposed impervious area of the road and the path need to be noted on the plan and plat. This information should include how much impervious area is permitted in these areas and how much impervious area is proposed.
15. We recommend that the plat and deeds state that all allowable impervious areas allotted to each lot include all types of manmade materials regardless of their porosity.
16. If the County approves a subdivision layout that permits riparian lots, we recommend that the plat and deeds provide specific information regarding the width of the riparian access of each lot and the approximate location in order to avoid clearing to the extent possible. We also recommend that the type of material for the riparian access paths be specified. Access path through the Buffer should be restricted to pervious materials.

Thank you for the opportunity to provide comments on the Preliminary Plan and Plat. Please telephone me if you have any questions at (410) 260-3478.

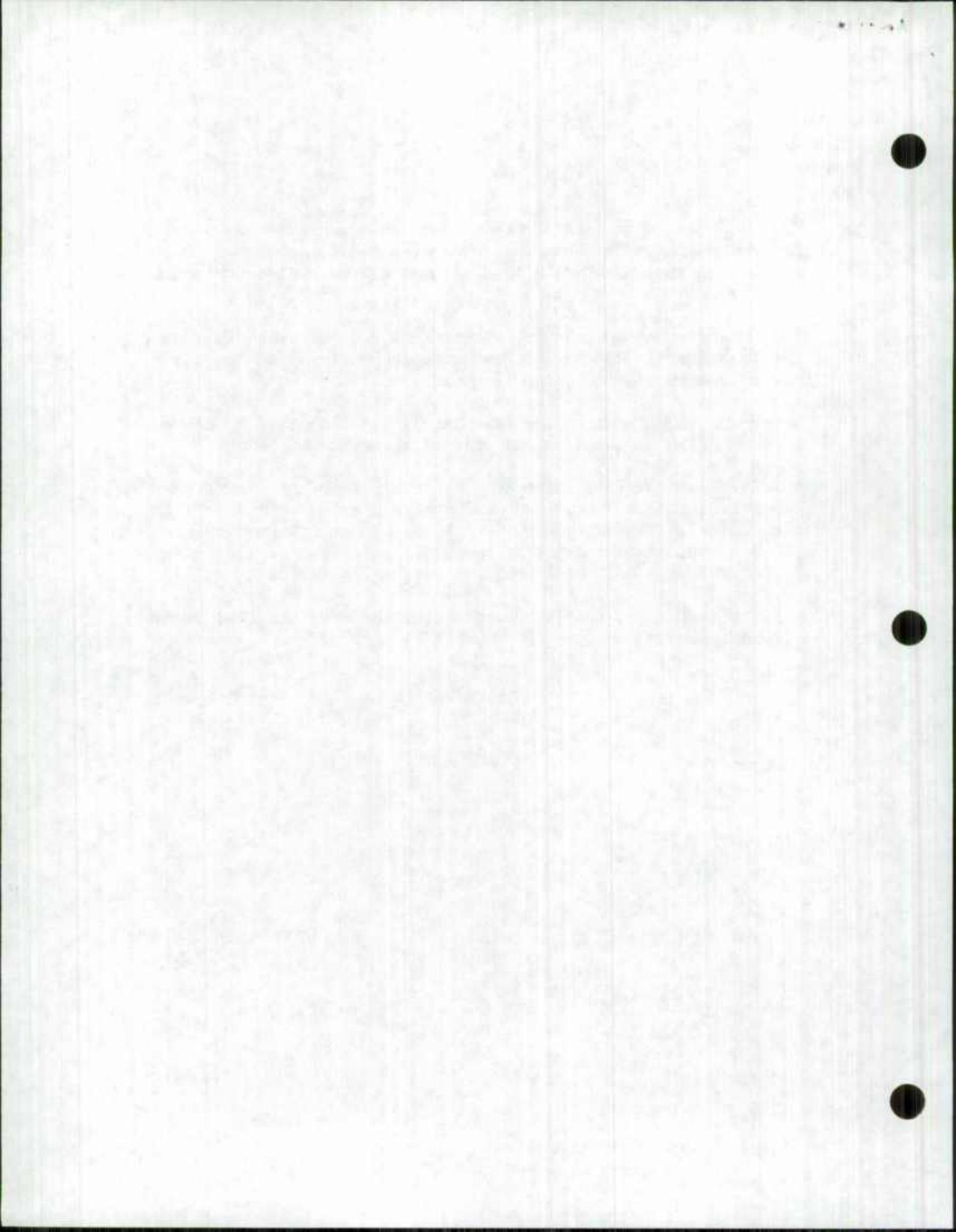
Sincerely,



Lisa A. Hoerger
Regional Program Chief

LAH/jjd

cc: WC 206-06



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

June 13, 2008

Mr. Steve Cohoon
Queen Anne's County Department of Land Use,
Growth Management, and Environment
160 Coursevall Drive
Centreville, MD 21617

Re: Wells Cove Landing - Redevelopment

Dear Mr. Cohoon:

At its meeting on June 4, 2008, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the Wells Cove Landing Redevelopment project with the following condition:

Prior to commencement of construction, Queen Anne's County shall submit the final planting plan to Commission staff for review and approval. The plan shall include the size, type and quantity of plantings, which will consist of native species suitable for this site.

Attached is the Plantings Agreement Form that should be returned to this office within 30 days. Please note a signature and anticipated planting date must be provided at the bottom of this form.

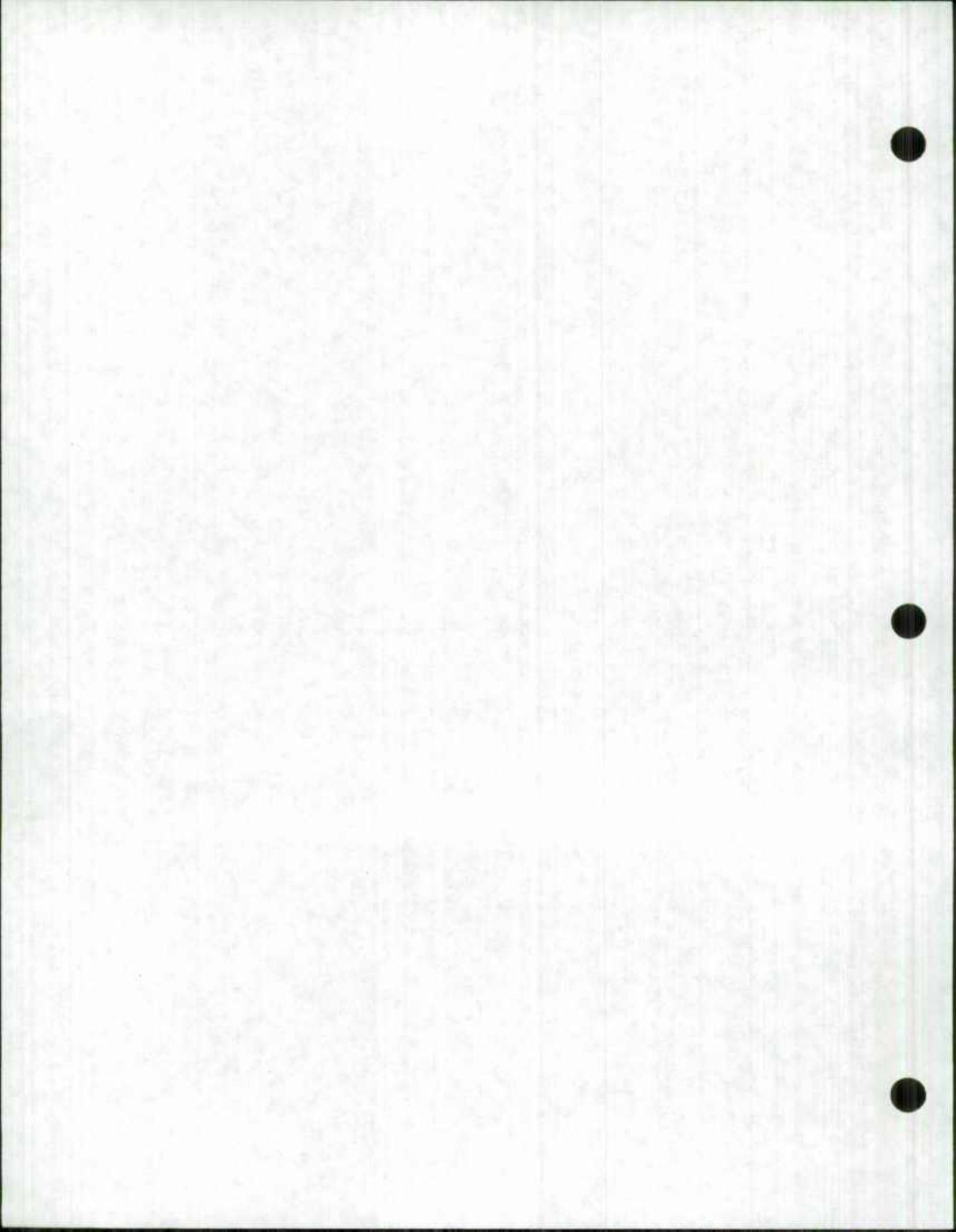
Thank you for attending the morning Subcommittee meeting and the afternoon meeting of the full Commission. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

Enclosure



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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June 13, 2008

Mr. William D. Kastning
Town of Denton
Department of Planning and Codes
13 North Third Street
Denton, Maryland 21629

Re: Crouse Park South

Dear Mr. Kastning:

At its meeting on June 4, 2008, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays approved the Crouse Park South project with the following condition:

Prior to the commencement of construction, the Town of Denton shall submit a revised Buffer Management Plan, including design specifications for offsite mitigation, to the Project Subcommittee for review and approval. The Plan shall address and incorporate the recommendations provided by Critical Area Commission staff.

In addition to submitting the Buffer Management Plan, please complete and return the attached Plantings Agreement Form. Please note a signature and anticipated planting date must be provided at the bottom of this form.

Thank you for attending the morning Subcommittee meeting and the afternoon meeting of the full Commission. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

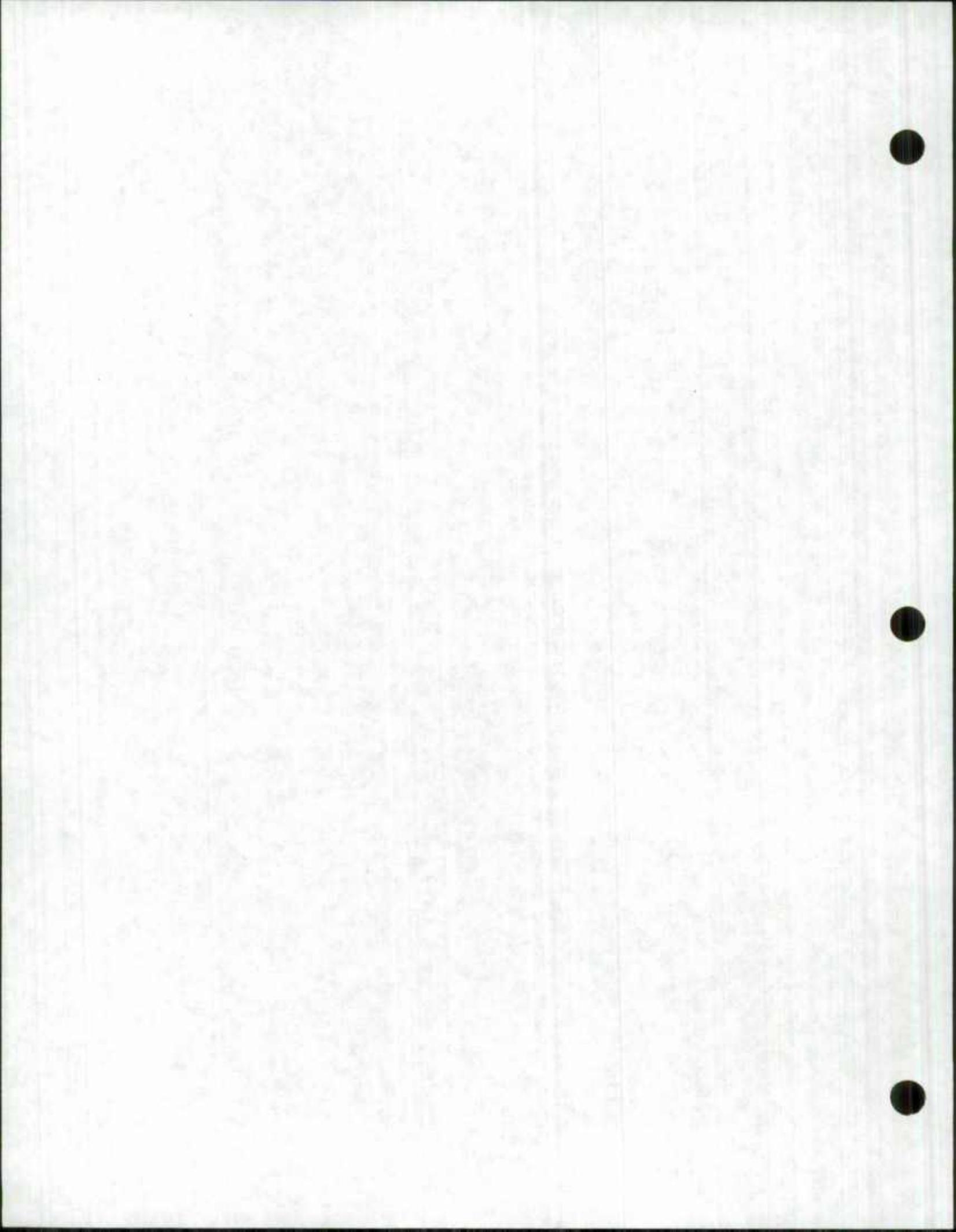
A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

Enclosure

cc: Mr. Roby Hurley, MDOP





Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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June 23, 2008

Ms. Patricia Pudelkewicz
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

Re: Riviera Sewage Pump Station
Critical Area Consistency Report

Dear Ms. Pudelkewicz:

Thank you for forwarding the final information requested for the above-referenced project. The site is 10.571 acres and located in the Intensely Developed Area (IDA). The project involves the construction of housing for a pumping station. Per the requirements of the Code of Maryland Regulations 27.02.02- State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions, Commission staff has reviewed the materials provided and concur with your office's determination that the project is consistent with the Harford County Critical Area Program due to the following factors:

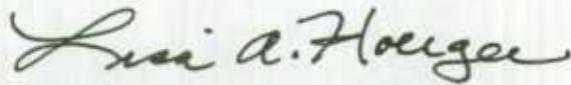
- No clearing of natural vegetation will be required.
- Sediment and erosion control measures are proposed during construction.
- No impacts will occur to any Habitat Protection Areas.
- The 10% Pollutant Reduction Calculation was performed and due to the small pollutant removal generated will provide removal of existing impervious areas and some additional plantings.

Ms. Pudelkewicz
June 23, 2008
Page Two

Since the project was found to be consistent with the Harford County Critical Area Program, no formal approval is required by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. If any aspect of the project changes, please contact this office for further coordination.

Thank you for your cooperation in reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger". The signature is written in dark ink and is positioned above the typed name and title.

Lisa A. Hoerger
Regional Program Chief

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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June 24, 2008

Mr. Elder Ghigiarelli
MDE, Water Management Administration
Wetlands and Waterway Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

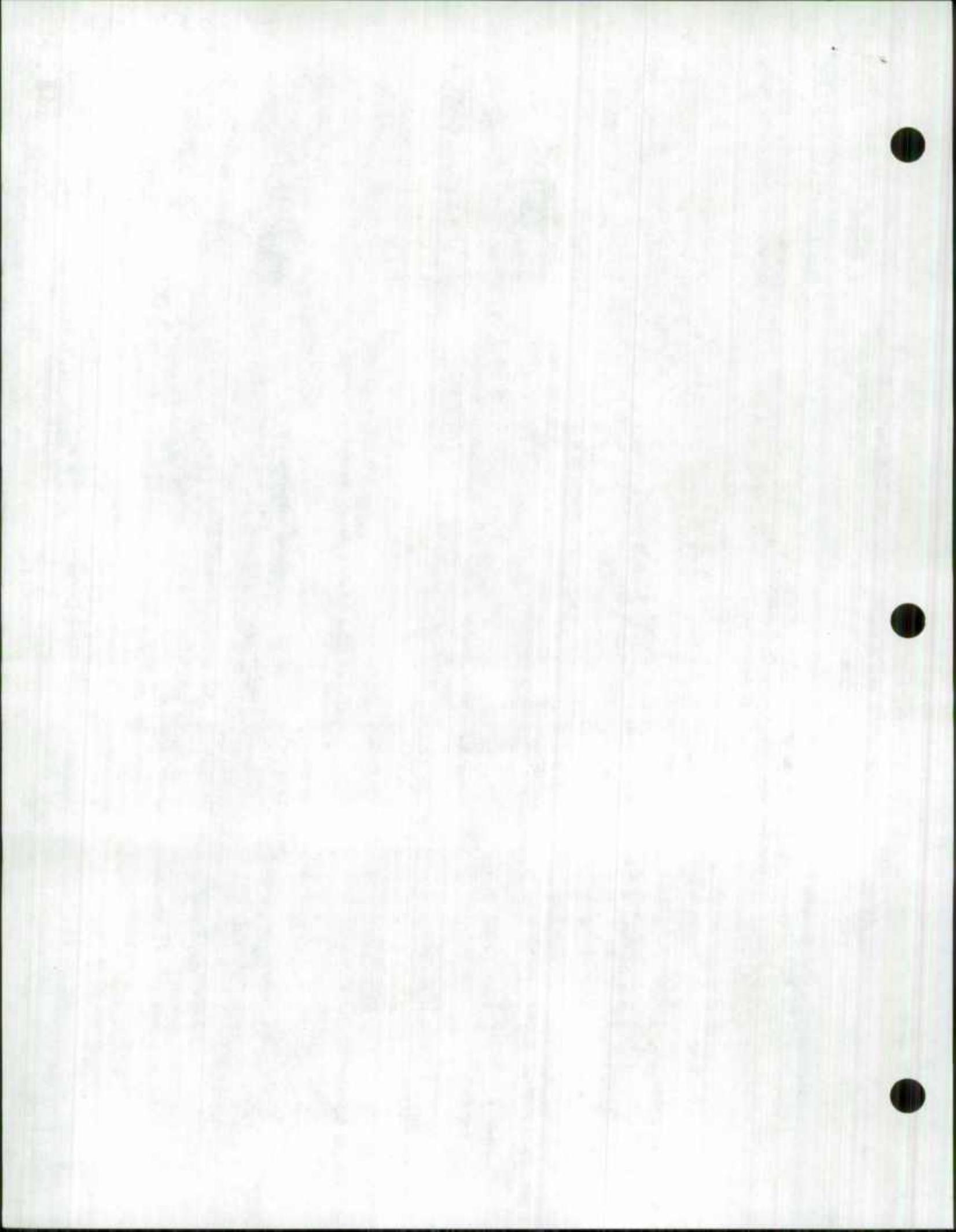
Re: Swamp Creek Bridge Repair
Aberdeen Proving Ground

Dear Mr. Ghigiarelli:

This office has received the above-referenced project for review and comment. The Department of the Army proposes to replace an existing roadway bridge that crosses Swamp Creek. Replacement is required due to its current state of disrepair, and this bridge serves as a secondary/emergency exit for the Edgewood range area. The entire project site is in the Critical Area. For the reasons outlined below, Commission staff finds this project to be consistent with the goals and objectives of Maryland's Critical Area Law and Criteria.

Commission staff reviewed the application materials and performed a site visit. The site is considered an area not intensely developed; therefore, 15% impervious surface limits and clearing limits apply to this project. From the information submitted, it appears there will be no additional impervious surfaces created with the replacement of the Swamp Creek bridge. No clearing will occur; therefore no reforestation or afforestation will be required.

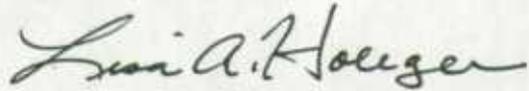
The entirety of the bridge is located in the 100-Buffer and is 120 square feet; however, no new impacts are proposed to the Buffer as the bridge will be replace in-kind and there is an existing impervious area adjacent to the site that will provide a staging area. Due to these conditions, no mitigation is required.



Mr. Elder Ghigiarelli
June 24, 2008
Page Two

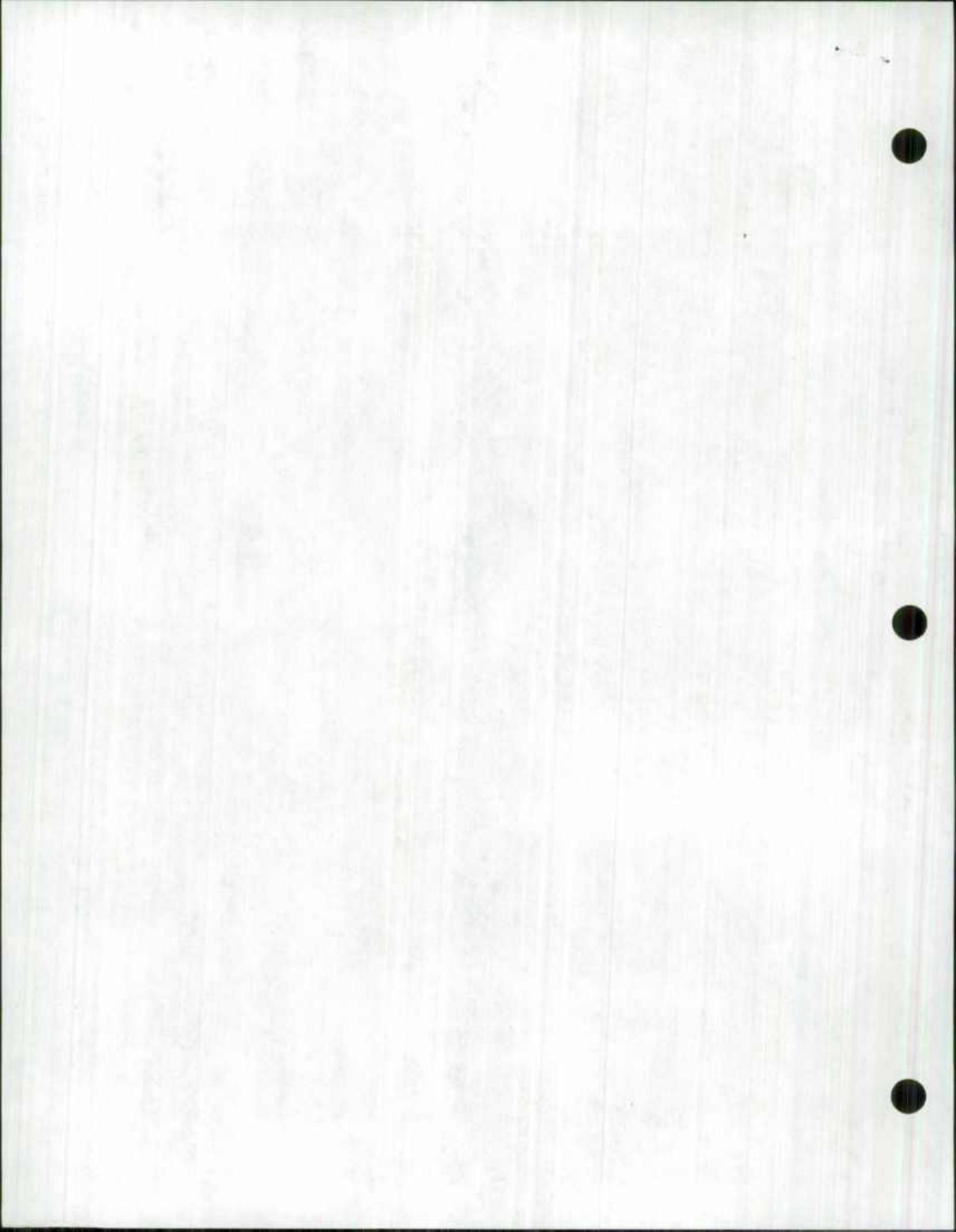
Thank you for the opportunity to comment. Please do not hesitate to telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger". The signature is written in dark ink and is positioned above the typed name and title.

Lisa A. Hoerger
Regional Program Chief

cc: Mr. Kenneth P. Stachiw, APG
Mr. Steve Wampler, APG



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 10, 2008

Mr. Thomas Hamilton
Town of Easton
14 South Harrison Street
P. O. Box 520
Easton, Maryland 21601

Re: Easton Village Buffer Management/Habitat Protection Plan
Amendment

Dear Mr. Hamilton:

At the July 9, 2008 meeting of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, the Easton Village Buffer Management/Habitat Protection Plan amendment was approved. This amendment consisted of a marsh creation project and the reconfiguration of the proposed 30-slip community pier. The Commission approved the amendment to the Buffer Management/Habitat Protection Plan with the following condition:

The afforestation area in quad 7 shall be planted by the fall of 2008 to ensure the continued conservation and protection of the Delmarva Fox Squirrel.

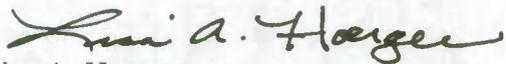
In addition to this condition, the developer agreed to provide mitigation for disturbance to the 100-foot Buffer by providing mitigation at a 2:1 ratio, which is greater than the 1:1 ratio that is typically required. This mitigation will consist of the replacement of 49 trees within the limits of disturbance for the marsh creation project, and an additional 59 trees to be planted within the 100-foot Buffer within quad 7. It is my understanding the Town was furnished with the updated Buffer Management/Habitat Protection Plan that includes the updated quad summary.

The developer also agreed to replant the Buffer after construction of the marsh is complete. Commission staff will schedule a site visit to inspect these plantings, and the plantings already installed in quads 1-3.

Mr. Hamilton
July 10, 2008
Page Two

As always, it was a pleasure seeing you yesterday at the meeting. Please telephone me at (410) 260-3478 if you have questions or require additional information.

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: Doldon Moore, Wetlands Administrator – Board of Public Works
Mike Burlbaugh, Elm Street Development

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 10, 2008

Mr. Masoud Ghatineh, P.E.
Anne Arundel County
Department of Public Works
2662 Riva Road, 4th Floor
Annapolis, Maryland 21401

Re: Town Point Dredge Material Containment Facility
Rehabilitation Project - Mitigation

Dear Mr. Ghatineh:

I have received your completed Planting Agreement Form and accompanying documentation for the required mitigation for the Town Point Dredge Material Containment Facility. In addition to this documentation, I have confirmed with the County Forester, Jim Johnson, that 4.16 acres of the 22.5 acres currently planted in areas 3 and 4 at the Kinder-Miller Farm have been identified to satisfy the mitigation requirement. Commission staff may request a follow-up field verification of the plant survival in subsequent growing seasons.

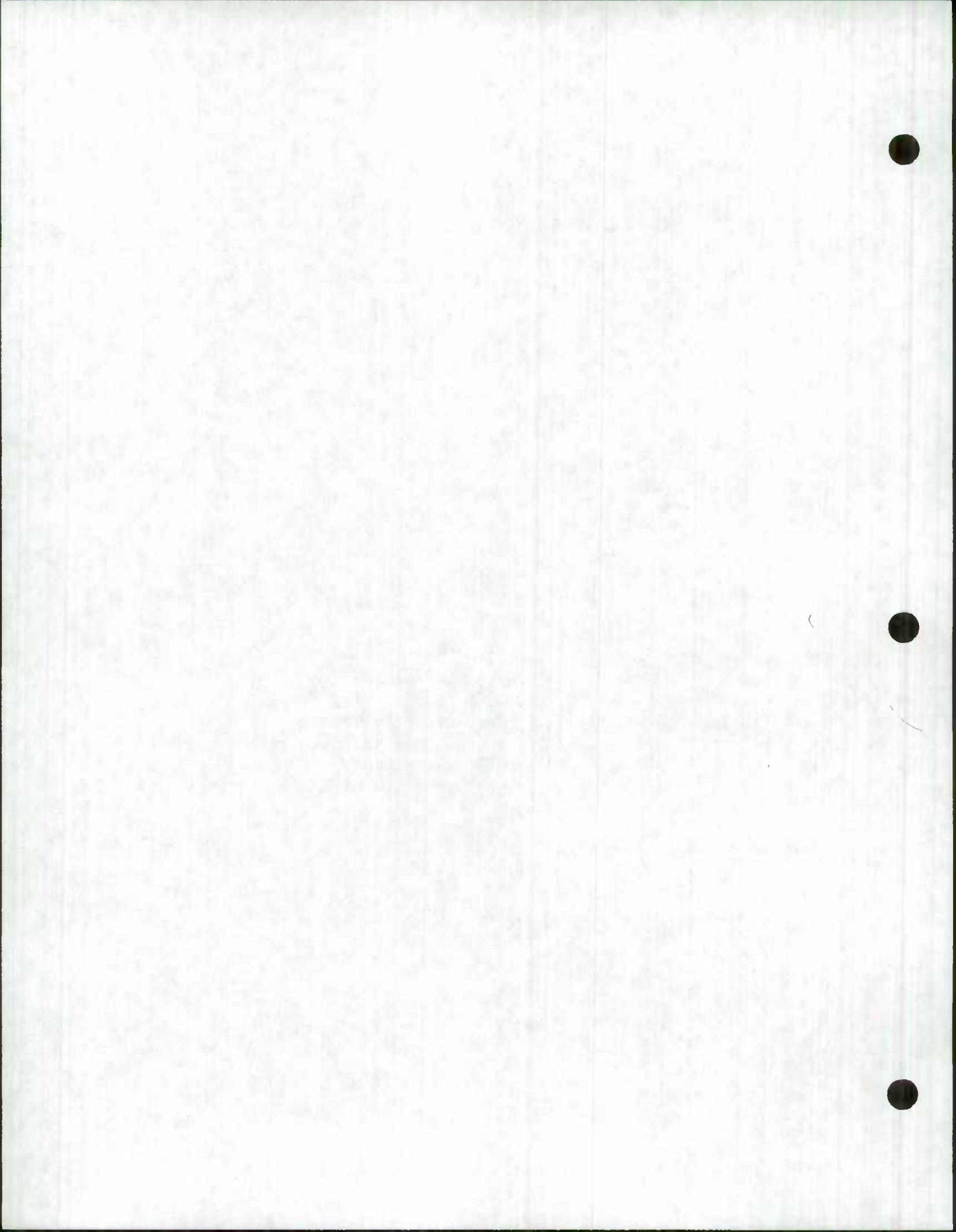
If you have any questions please contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

cc: Jim Johnson, County Forester



CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Butch Norden, MPS

From: Lisa A. Hoerger

Date: July 10, 2008

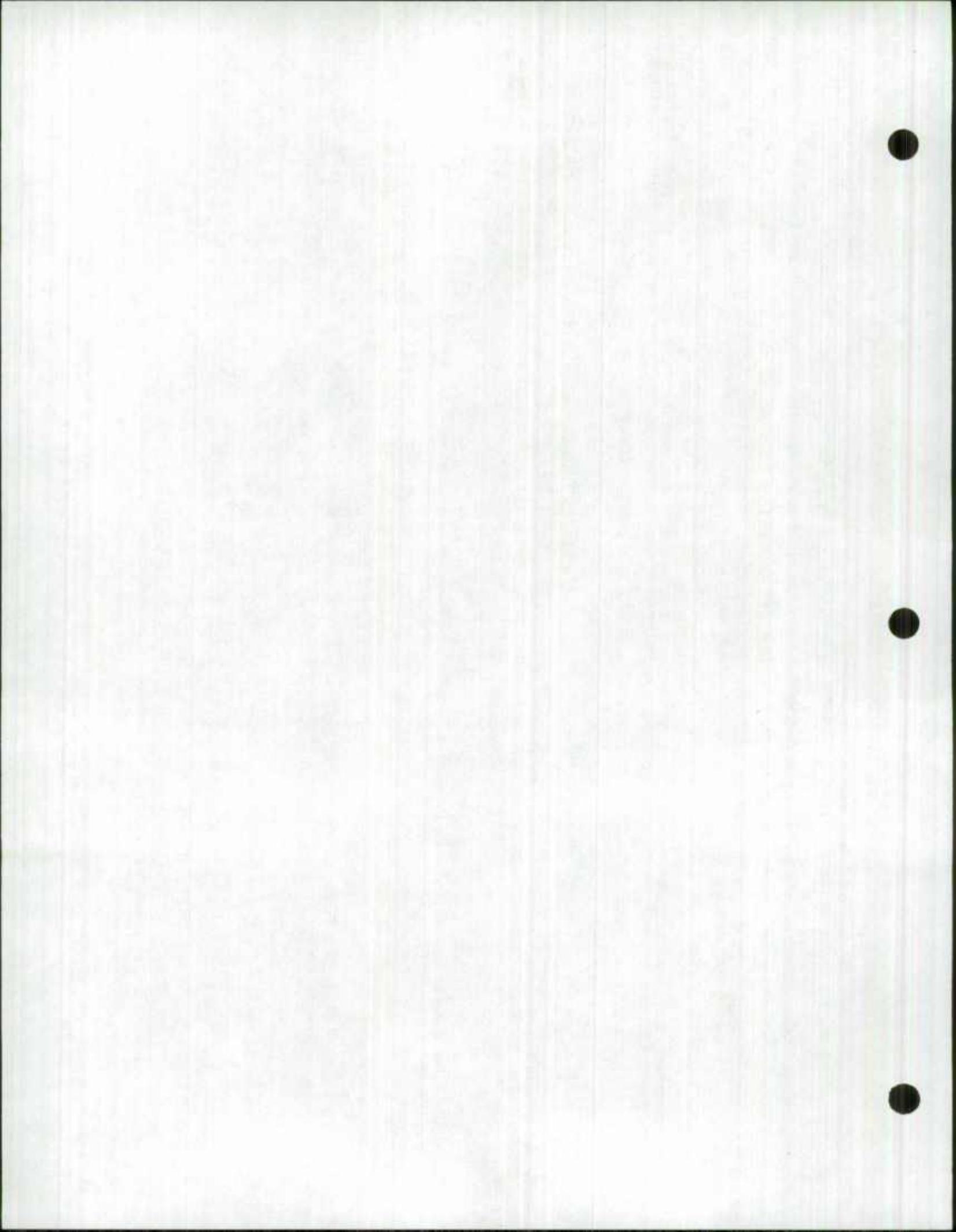
Subject: Gunpowder Falls State Park
Replace Observation Platform (2008-DNR-159)
Install Interpretive Cabin (2008-DNR-160)

I have reviewed the above-referenced requests to replace an observation platform and install an interpretive cabin at the Hammerman Area at Gunpowder Falls State Park. Since both projects qualify as a development activity, Commission review and approval will be required. I recommend that you submit both requests as one project.

I have attached the State Project Checklist for your use when preparing to submit both projects to Commission staff. In addition, I have attached the submittal deadlines that you should be aware of when planning for submission. Please be aware that all necessary permits and required mitigation should be finalized prior to submission to Commission staff.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Attachments



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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July 22, 2008

Ms. Patricia J. Pudelkewicz
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

Re: Water's Edge Corporate Campus
Local Case # S08-079

Dear Ms. Pudelkewicz:

Thank you for forwarding the final 10% pollutant removal calculations, per your records. I have included them in our file. This office has no further comments on this plan.

As always, thank you for the opportunity to provide comments. Please telephone me if you have questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

cc: HC 372-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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Ren Serey
Executive Director

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July 22, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: River Watch Reserve Parcel Resubdivision
S 90-253, P 06-0036 FINAL

Dear Ms. Krinetz:

I have received the final plat and plans for the above-referenced subdivision request. The applicant proposes a resubdivision so that the Reserve Parcel can be developed with a single family dwelling. It appears the applicant has addressed all the issues of my last comment letter dated April 13, 2006. I have outlined my remaining comments below:

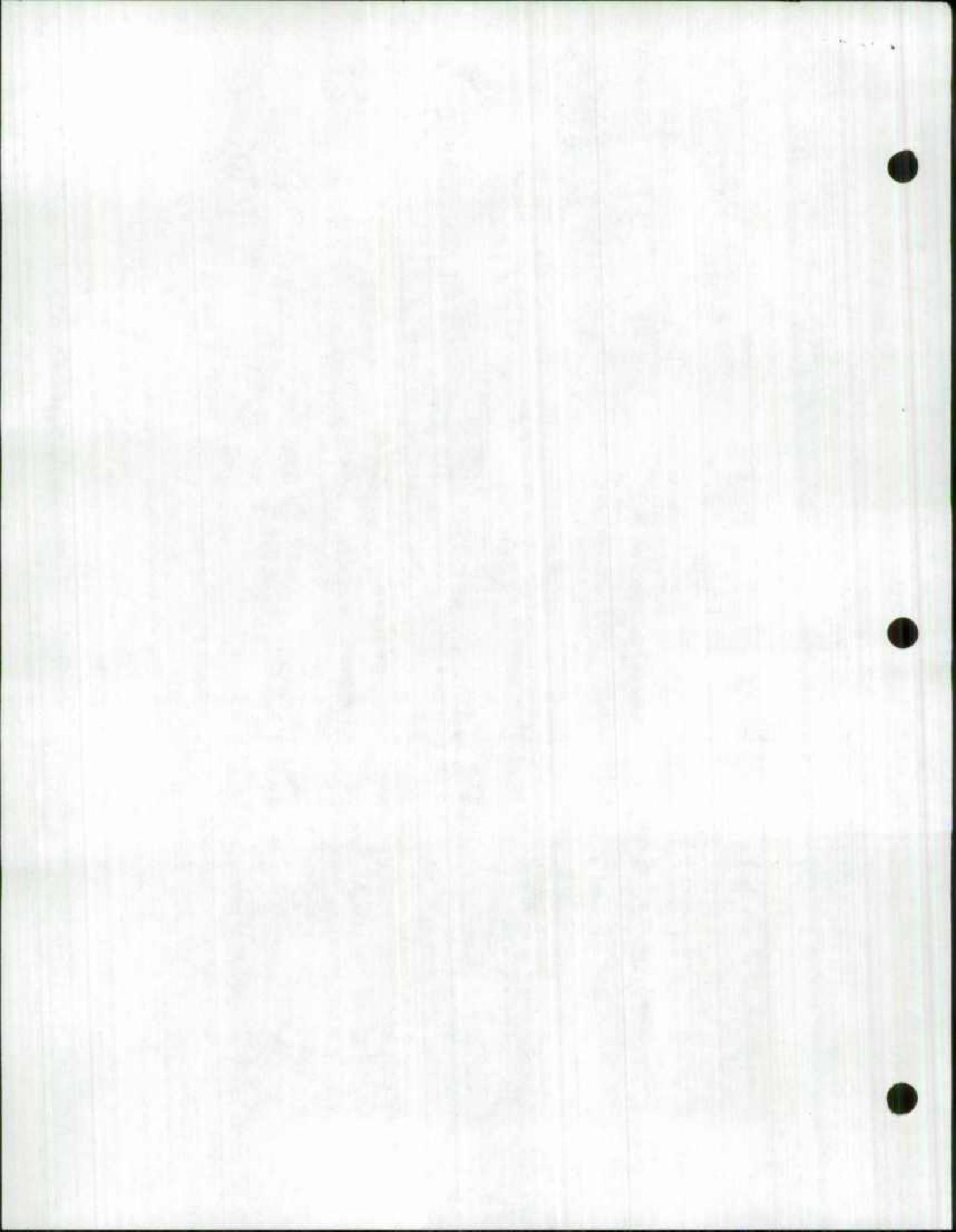
The subdivision plat must contain information regarding existing and proposed lot coverage. Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this subdivision. Under these provisions, a development project whose initial application for development that satisfies all local requirements is filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize Anne Arundel County's approved impervious surface area limitations in effect prior to July 1, 2008 provided that;

- a) The approved development plan remains valid in accordance with Anne Arundel County's procedures and requirements; and
- b) By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



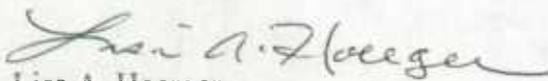


Ms. Krinetz
July 22, 2008
Page Two

In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by Anne Arundel County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County's impervious surface area limitations, please indicate that intent and ensure that the applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such. Since this lot is greater than one acre, it is limited to 15% impervious surface, and the plat notes should also reflect this limit.

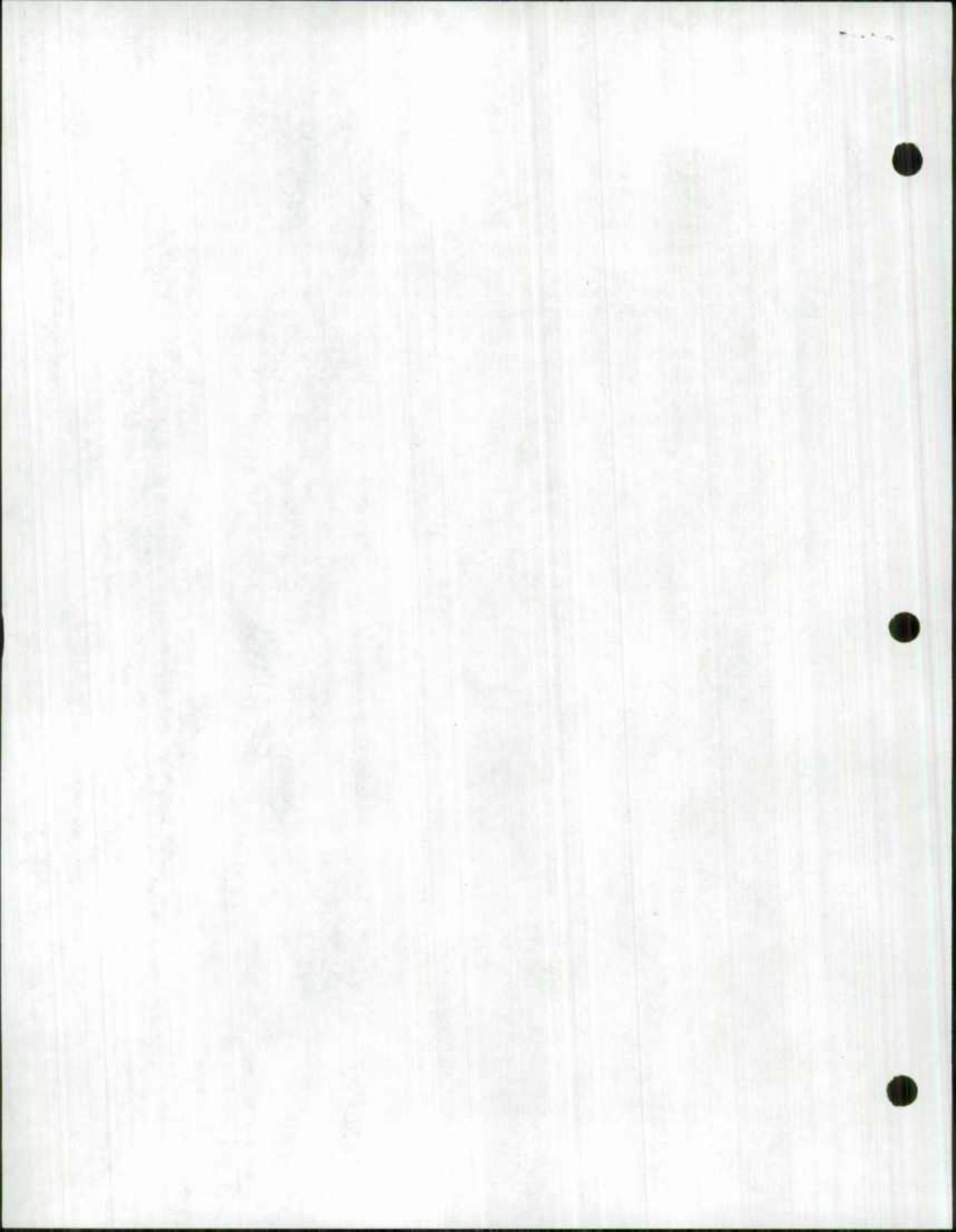
Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: AA 228-06



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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July 23, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Rowel-Stansbury Property
S 07-039, P 07-0190

Dear Mr. Burke:

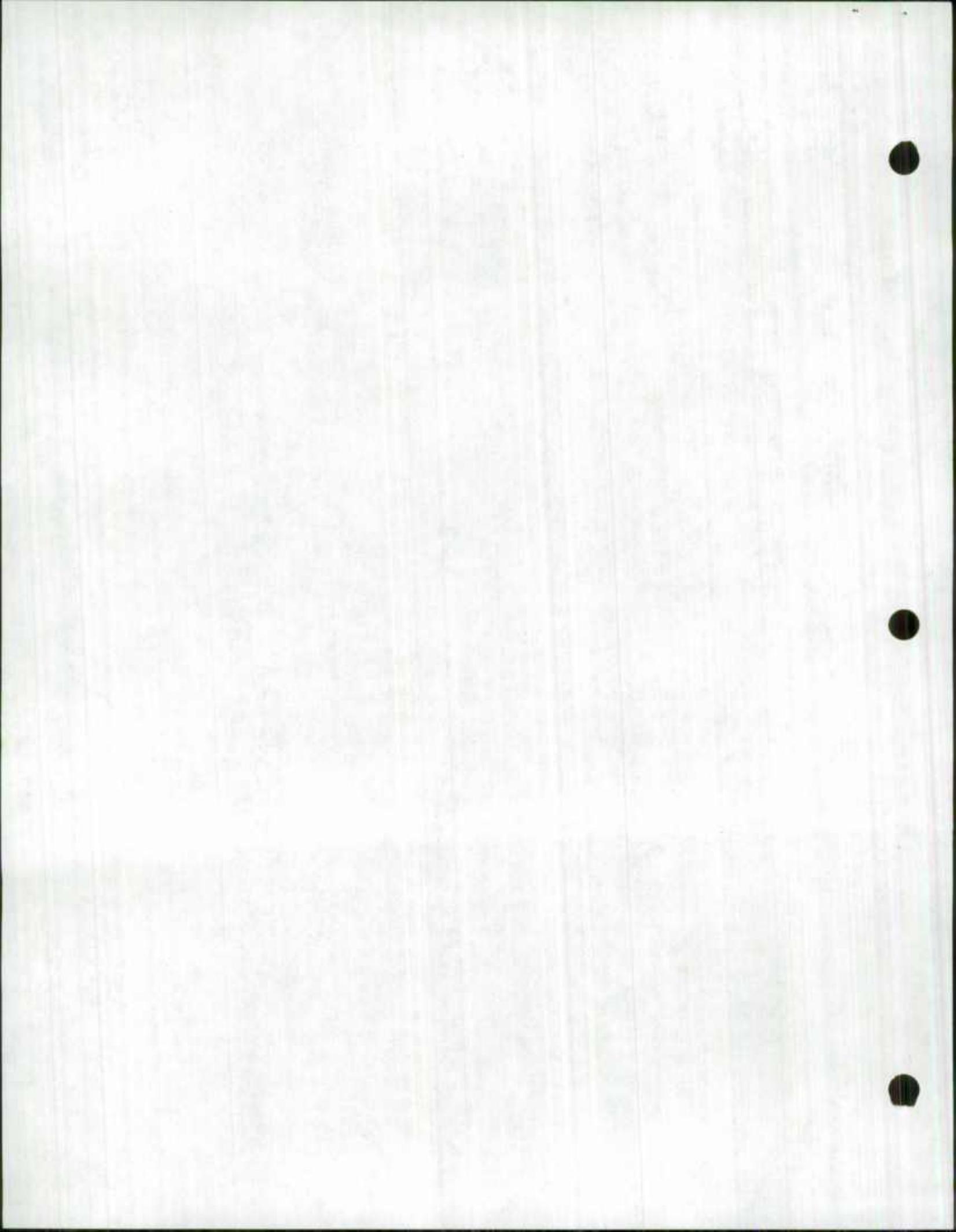
I have received the resubmittal for the above-referenced subdivision request. The applicant has addressed the comments of Ms. Widmayer's letter dated April 4, 2008. I have outlined my remaining comments below:

1. The proposed Conservation Easement appears to address the concerns of Ms. Widmayer; however, I recommend that the easement extend to the forested edge on proposed lot 2 to minimize potential Forest Interior Dwelling Bird habitat loss, since any clearing to the forest edge affects interior habitat, and should future development occur on the bulk parcel, edge clearing will be necessary.
2. Since this office will not support future variances on non-grandfathered parcels for access, I recommend that prior to final subdivision approval, the applicant and the County ensure that the area on the bulk parcel that is not encumbered by the narrow band of isolated steep slopes be adequate for a driveway passage so that no variances will be required to cross this slope area.
3. It is unclear how the parcel of unknown ownership will still have access once the boundary gap is extinguished. If this is currently the only access, has an alternative access been identified, particularly since a conservation easement is proposed on the back of the bulk parcel? This easement should be noted as existing in perpetuity and by whom it will be held prior to final subdivision approval.
4. It is unclear how the septic area on the bulk parcel can be shown on the final plat since there is no information showing that the percs were completed and passed. Absent this information, a septic area should not be shown on the final plat. In addition, it is also unclear how these locations were determined.

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450





Mr. Burke
July 23, 2008
Page Two

5. In the Critical Area tabulations, there is 35,000 square feet of proposed clearing noted for the bulk parcel. This should be removed, as I assume that it was listed for perc testing. Any future perc testing on the bulk parcel should be conducted with minimal clearing needed. Perhaps an asterisk can be assigned to the bulk parcel clearing information that states only minimum clearing necessary for perc testing.
6. The subdivision plat must contain information regarding existing and proposed lot coverage. Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this subdivision. Under these provisions, a development project whose initial application for development that satisfies all local requirements is filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize Anne Arundel County's approved impervious surface area limitations in effect prior to July 1, 2008 provided that:
 - a) The approved development plan remains valid in accordance with Anne Arundel County's procedures and requirements; and
 - b) By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by Anne Arundel County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County's impervious surface area limitations, please indicate that intent and ensure that the applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such.

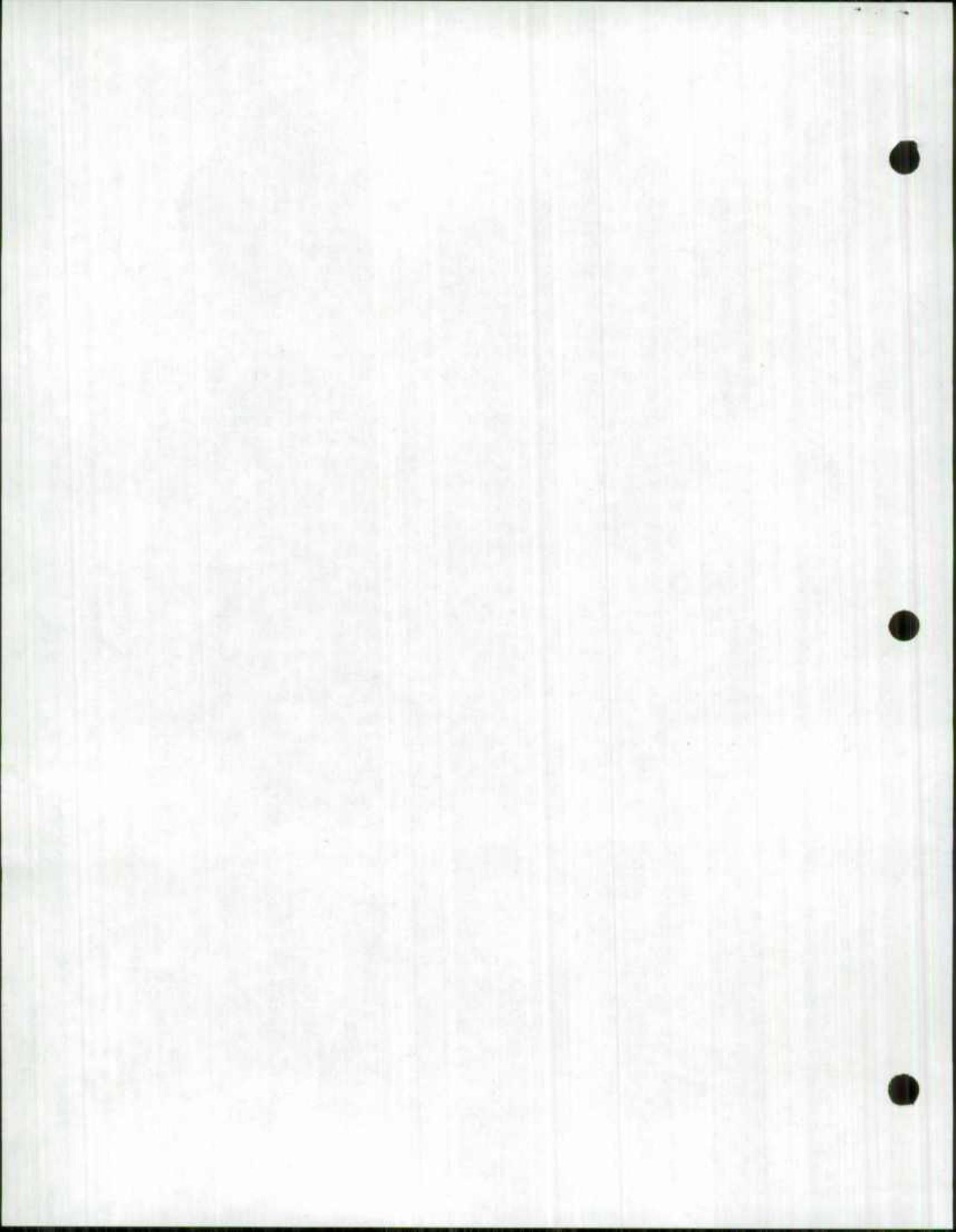
Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: AA 632-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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July 23, 2008

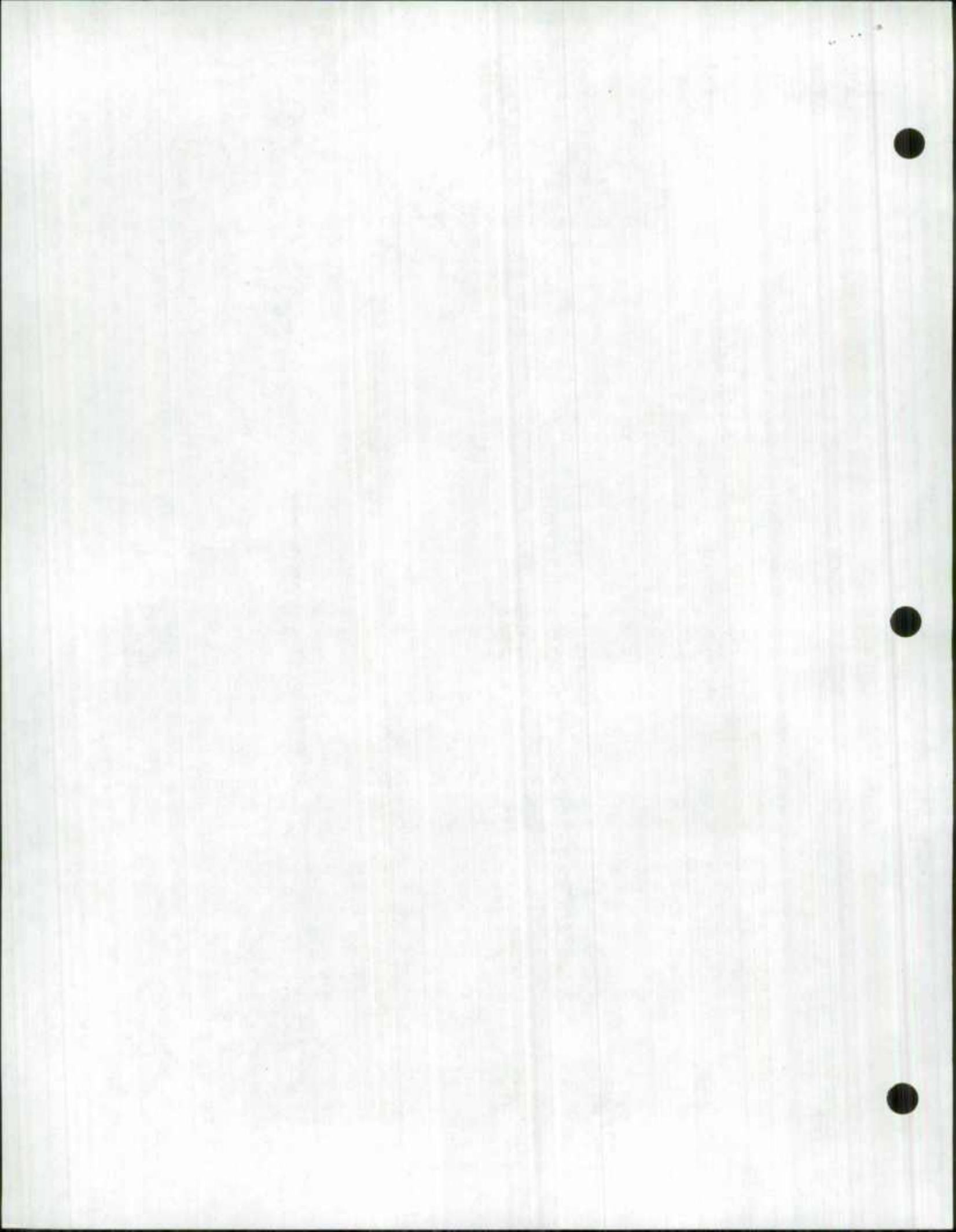
Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Wallace Manor Property
S 97-029, P 07-020800 NF

Dear Mr. Burke:

I have received the resubmittal for the above-referenced subdivision request. The applicant has addressed the comment of Ms. Widmayer's letter dated April 4, 2008. I have outlined my remaining comments below:

1. Since the applicant is proposing to put 71% of the forested portions of the site in an easement, therefore permitting up to 29% clearing, the appropriate fee-in-lieu should be collected.
2. Since each lot is greater than one acre, each lot is limited to 15% impervious cover. Prior to final plat approval, please have the applicant adjust the allowable impervious surface numbers on the plat and plan.
3. The subdivision plat must contain information regarding existing and proposed lot coverage. Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this subdivision. Under these provisions, a development project whose initial application for development that satisfies all local requirements is filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize Anne Arundel County's approved impervious surface area limitations in effect prior to July 1, 2008 provided that;



Mr. Burke
July 23, 2008
Page Two

- a) The approved development plan remains valid in accordance with Anne Arundel County's procedures and requirements; and
- b) By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.

In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by Anne Arundel County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County's impervious surface area limitations, please indicate that intent and ensure that the applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such.

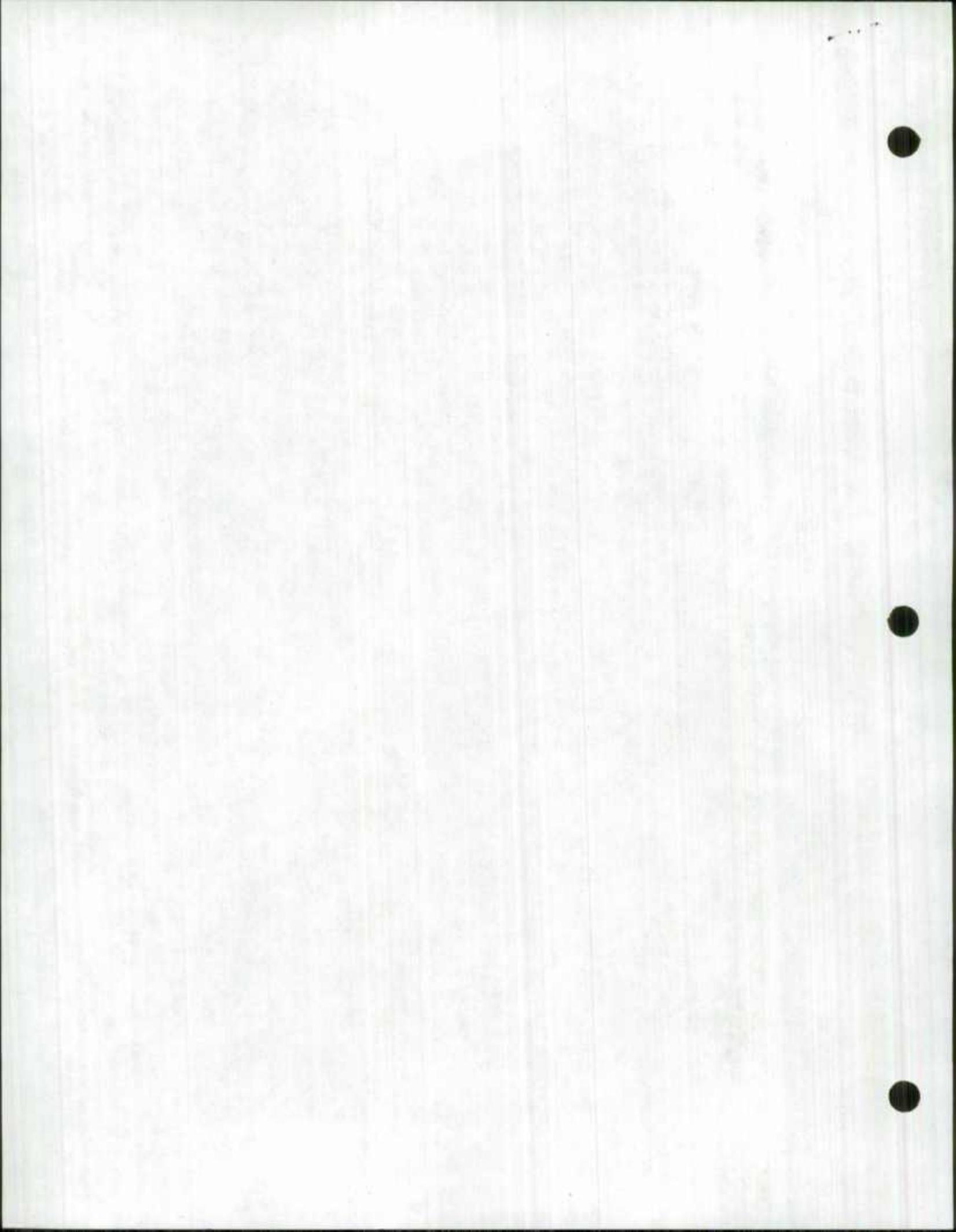
Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: AA 719-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 23, 2008

Ms. Pam Cotter
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Richard T. Duvall
2008-0220-V

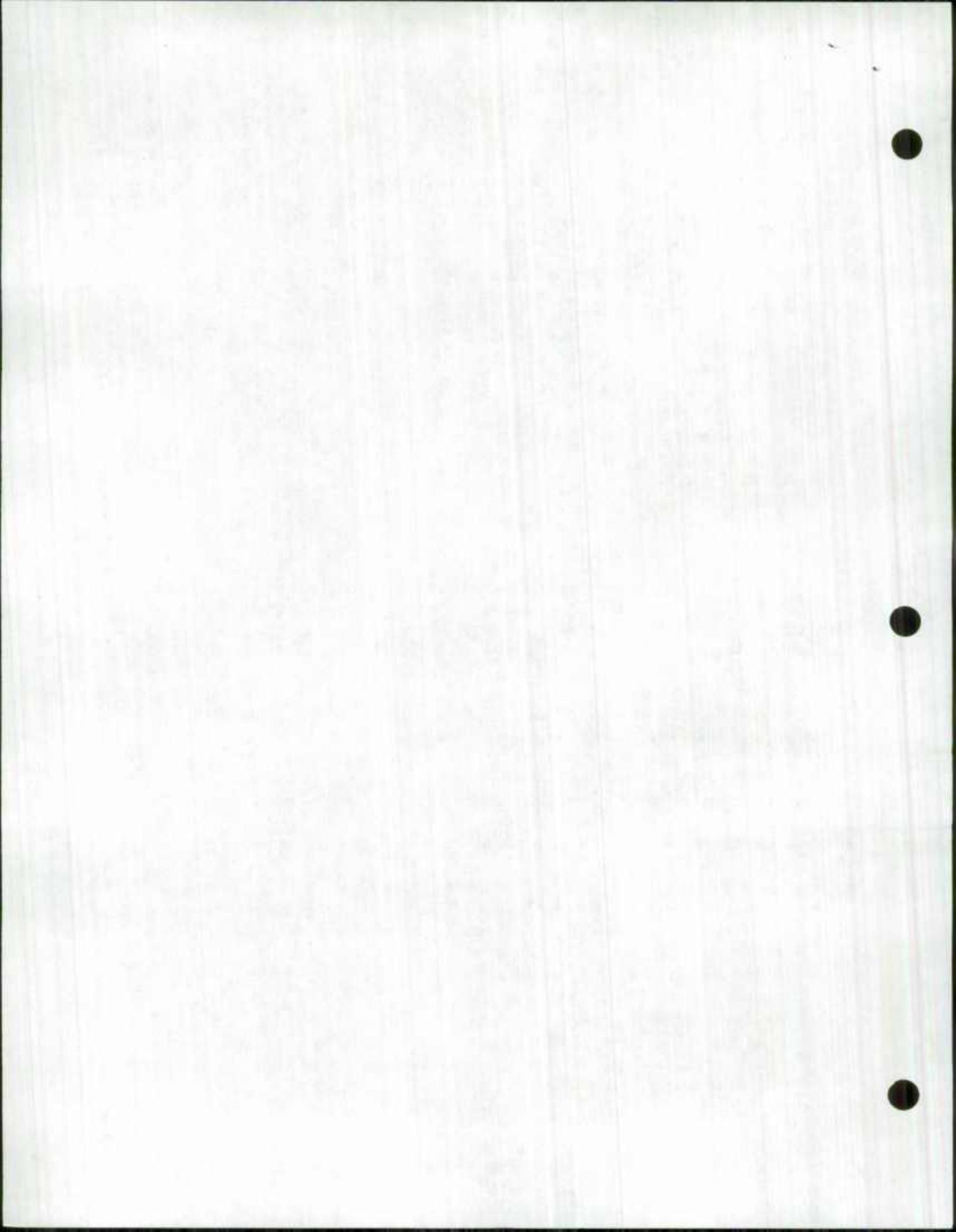
Dear Ms. Cotter:

Thank you for forwarding the above-referenced variance application. The applicant is currently in the subdivision process to provide a separate lot for each of two existing dwellings. It is our understanding these dwellings were built prior to the adoption of the Anne Arundel County Critical Area Program. The property is classified as a Limited Development Area (LDA). Since the existing impervious surface exceeds the 15% limit, a variance is requested.

This office does not oppose the granting of this variance request since the dwellings and associated impervious areas existed prior to the 15% impervious surface limit requirement in the County Code, and the applicant does not intend to increase the impervious area on the site. Nevertheless, the site is well over its allowable limits and therefore this office recommends the following conditions given the site characteristics and ability to address water quality benefits.

If the variance is granted, this office recommends the following conditions of approval:

- No additional impervious areas are permitted on these lots.
- Plantings are provided in the 100-foot Buffer to help offset the negative impacts to water quality due to the excessive impervious area (i.e. 1:1 ratio based on square footage that is over 15%).
- Each lot provide some type of stormwater management (i.e. bioretention since soils are suitable).
- A lot coverage plan be filed with the appropriate office (see below).
- Should redevelopment be proposed on either lot in future such that the existing dwellings are razed, the affected lot will be brought into compliance with the current lot coverage limits to the degree possible.

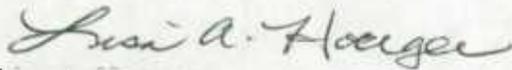


Ms. Cotter
July 23, 2008
Page Two

In addition to the comments above, since the passage of House Bill 1253 there is now a new requirement that applies to projects that are filed by October 1, 2008 and receive approval by July 1, 2010. A lot coverage plan must be approved locally by July 1, 2010 showing the proposed amounts of impervious and partially pervious areas. This plan must remain valid in accordance with local procedures. If the lot coverage plan is changed, it cannot increase the amounts of impervious and partially pervious areas. Only reductions are acceptable.

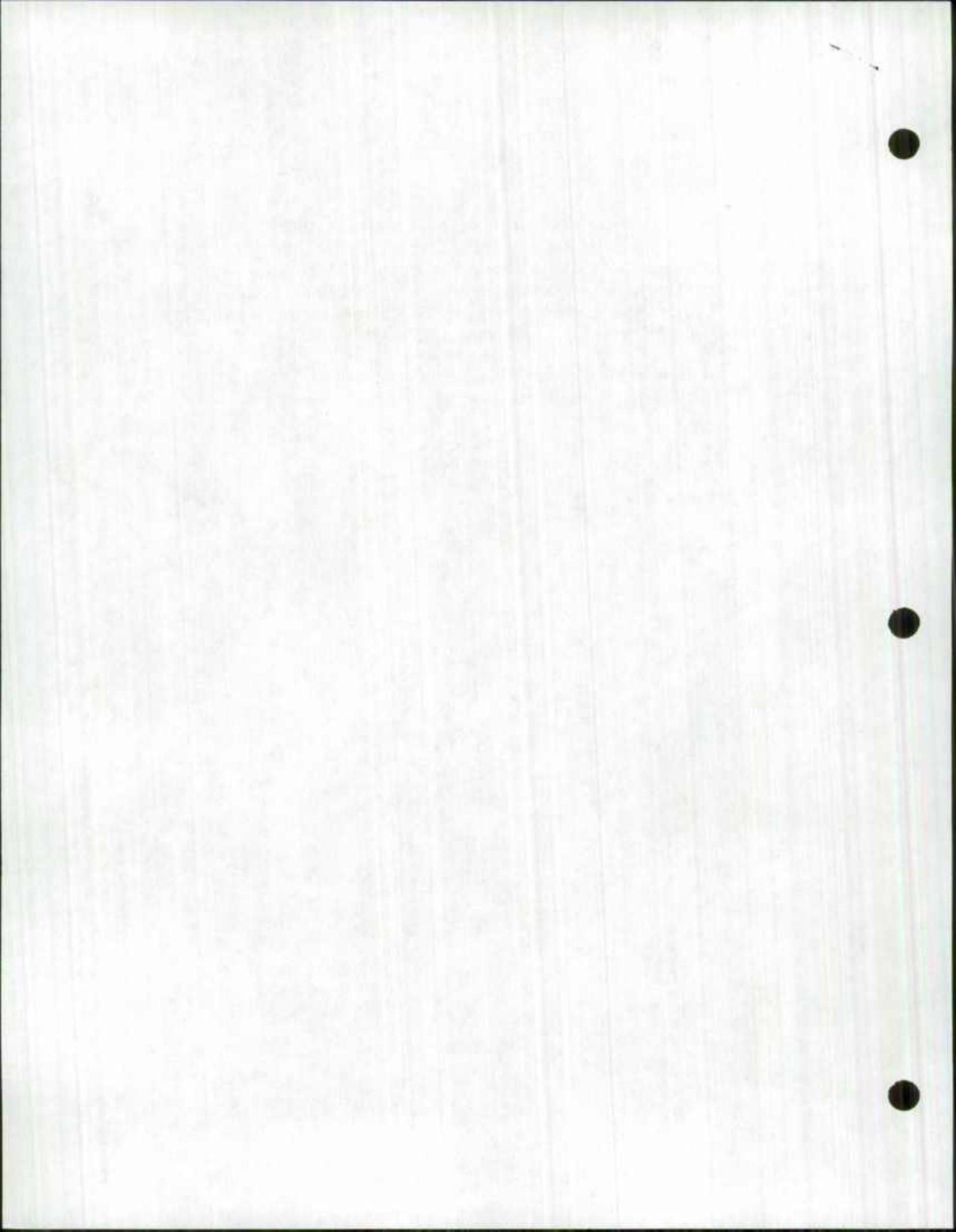
Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: AA 381-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

July 31, 2008

Mr. Elder Ghigiarelli
MDE, Water Management Administration
Wetlands and Waterway Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: 13MP – Phase II - Aberdeen Proving Ground

Dear Mr. Ghigiarelli:

This office has received the above-referenced project for review and comment. The Department of the Army proposes to install fiber optic lines at the Aberdeen area of the Aberdeen Proving Ground. The portion of the project in the Critical Area is considered an Area of Intense Development. Commission staff reviewed the application materials and performed a site visit. For the reasons outlined below, Commission staff finds this project to be consistent with the goals and objectives of Maryland's Critical Area Law and Criteria.

- The 10% pollutant reduction calculation yielded a negative removal requirement; therefore, no best management practices are required.
- No clearing will occur.
- Mitigation at a 3:1 ratio will be performed for the 8,226 square feet of impacts to the 100-foot Buffer.

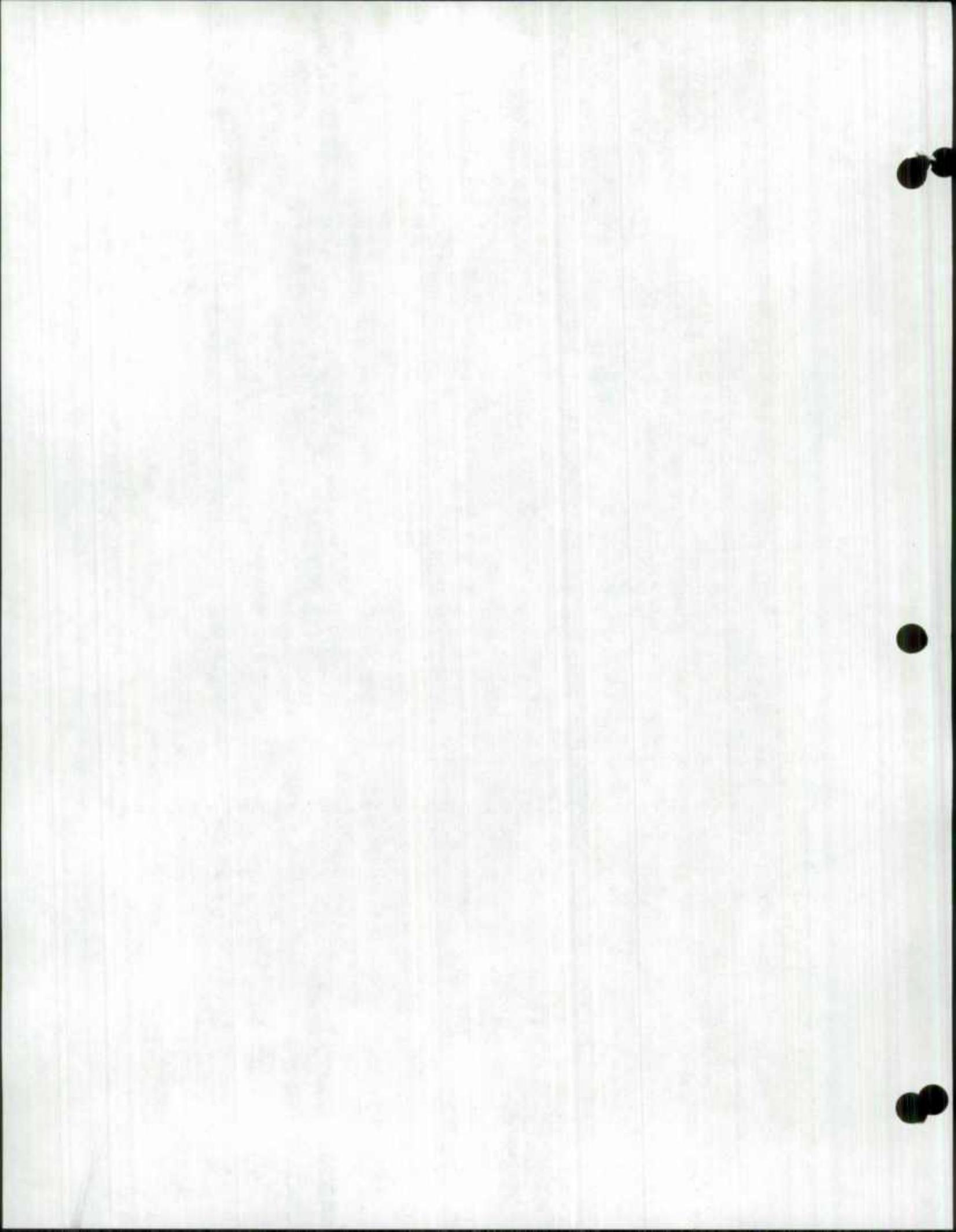
Thank you for the opportunity to comment. Please do not hesitate to telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Regional Program Chief

cc: Mr. Kenneth P. Stachiw, APG
Mr. Steve Wampler, APG



CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Martha Anderson, MPS
From: Lisa A. Hoerger
Date: July 31, 2008
Subject: Pocomoke Shad Landing Improvements (NRT 08-17)

I have reviewed the Critical Area maps and it appears that two of the concrete picnic pads and the mister fountain are within the 1,000-foot Critical Area boundary. While these improvements are within the Critical Area, they do not constitute a development activity that will require Commission approval, provided no Habitat Protection Area will be impacted and no clearing is required for their installation.

This office supports the Department's efforts in providing ADA compliant facilities within the State park system. In addition, we appreciate your continued efforts to provide Commission staff notice of these projects.

Thank you again for forwarding this request to this office. Please telephone me at (410) 260-3478 if you have any questions.

CENTRAL AREA COMMISSION
1304 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Charles Anderson, WNS

From: Charles Horner

Date: July 11, 1978

Subject: Washington State Public Improvements (WST-08-17)

I have reviewed the Central Area report and it appears that two of the concrete projects and the other (mainly) are within the 1978-1980 Central Area boundary. While these improvements are within the Central Area, they do not constitute a development activity that will require Council approval. The other two projects (Washington State) are outside the Central Area and no action is required for their installation.

This office supports the Department's efforts in providing ADA-compliance facilities within the State park system. In addition, we appreciate your continued efforts to provide information with respect to these projects.

Thank you again for forwarding the report to this office. Please telephone me at 410-261-1422 if you have any questions.

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

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September 30, 2008

Mr. Michael A. Burlbaugh, P.E.
Elm Street Development
175 Admiral Cochrane Drive, Suite 112
Annapolis, Maryland 21401

Re: Easton Village – Canoe/Kayak Launch Location Adjustment

Dear Mr. Burlbaugh:

Thank you for your follow-up letter to our site meeting last Thursday, September 25, 2008, at the Easton Village site. The purpose of that site meeting was to locate an access way to the canoe-kayak pier that would result in the least disturbance to the upland Buffer. It is my understanding that officials from the Town of Easton were in agreement that the location, as shown on Exhibit A (Revised Kayak Pier plan), approximately 60 feet west of the current location shown on the Buffer Management Plan, would result in the least Buffer disturbance as no grading or clearing of the bank or Buffer would occur. Commission staff also concurs with this determination. Staff has also determined this shift in location will not require review by the Commission as no additional disturbance is requested.

Thank you for taking the time to meet with the Town of Easton staff and myself to find a more suitable access point for the canoe/kayak pier. Please telephone me at (410) 260-3478 if you have questions or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

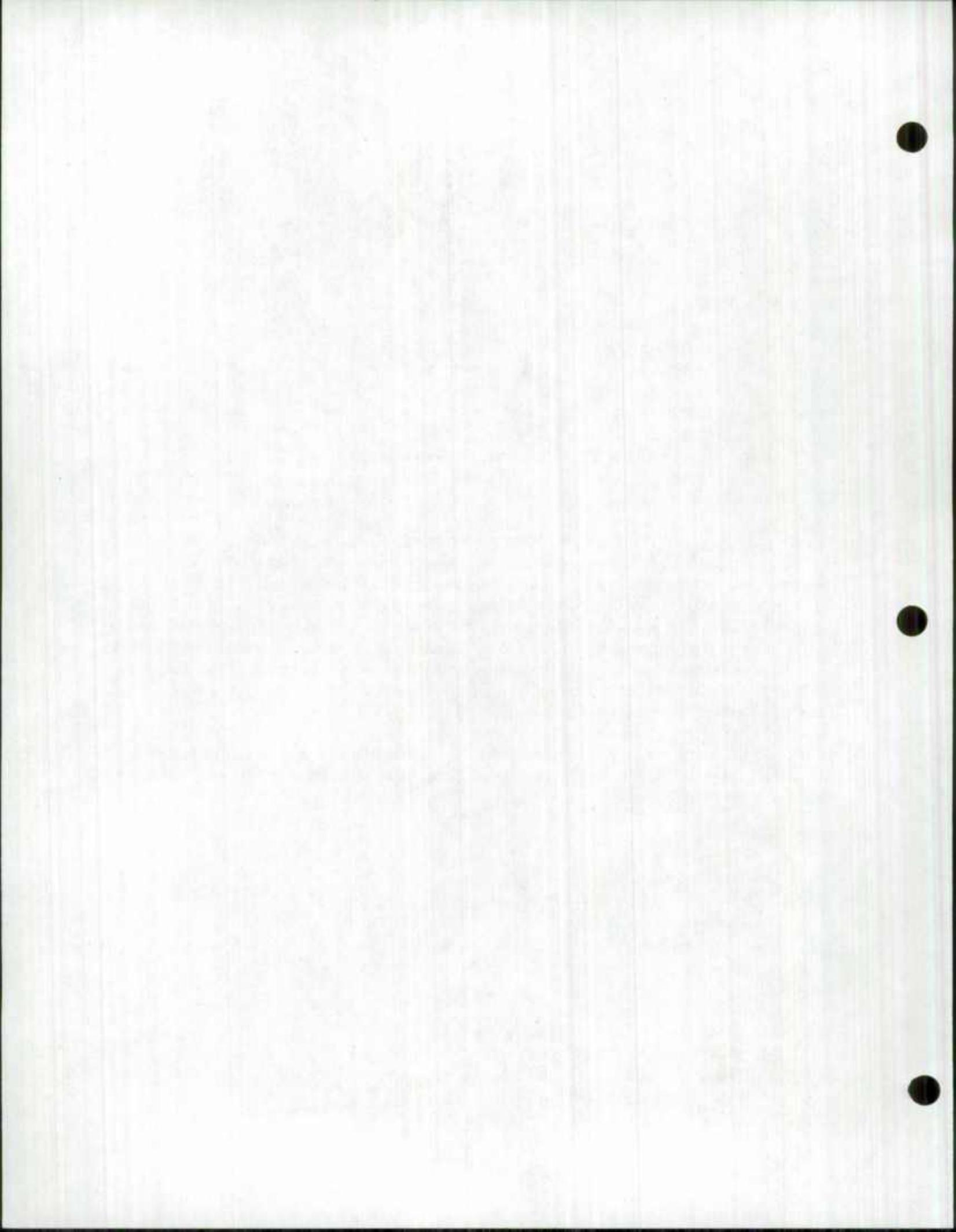
Lisa A. Hoerger
Regulations Coordinator

LAH/jjd

cc: Mr. Doldon Moore, Board of Public Works
Mr. Rick Ayella, Maryland Department of the Environment
Mr. Thomas Hamilton, Town of Easton
Mr. Lynn Thomas, Town of Easton

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Roland Limpert

From: Lisa Hoerger

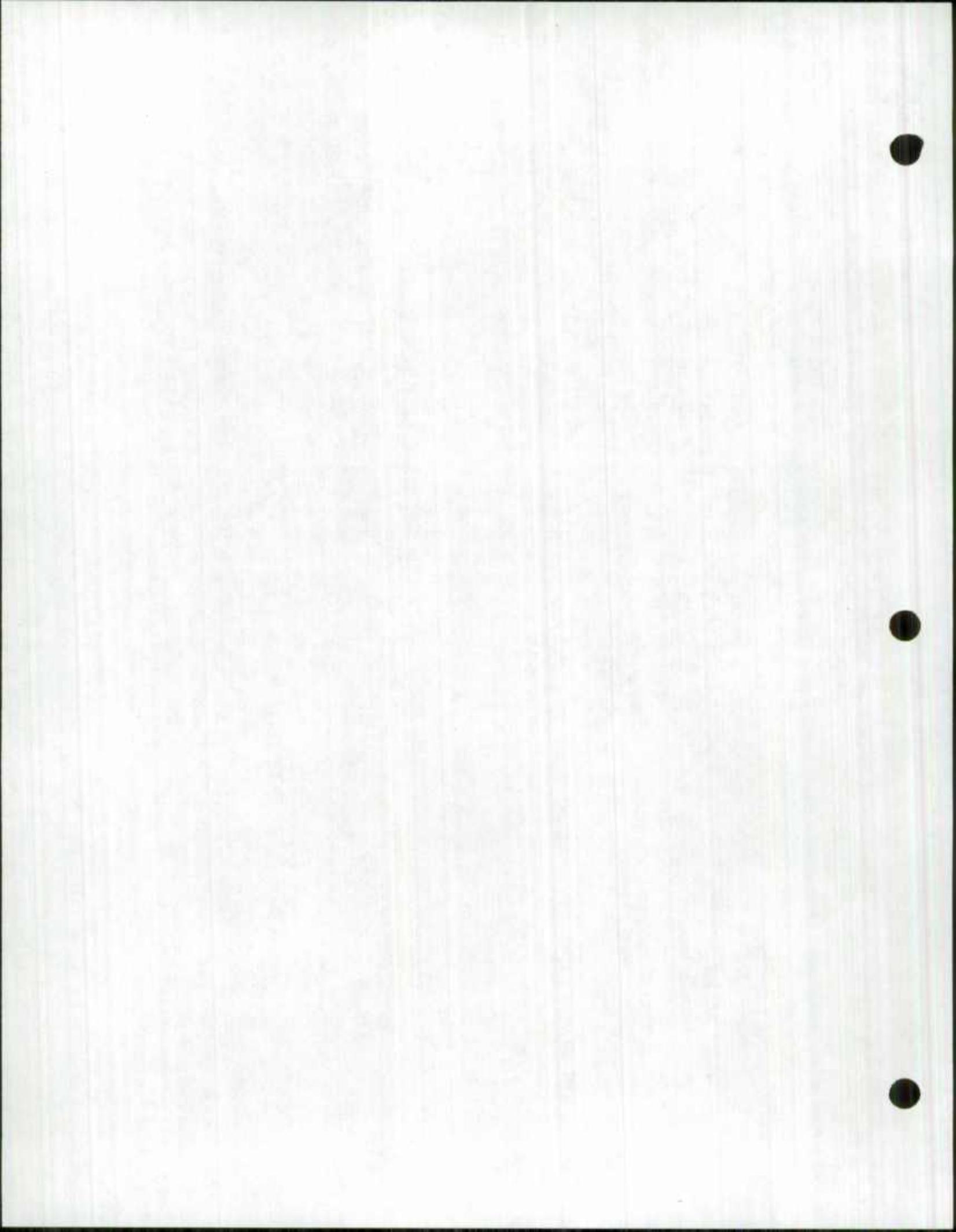
Date: October 1, 2008

Subject: Final Environmental Assessment and Draft FONSI: Residential
Communities Initiative in Harford County

I have reviewed the documents forwarded to our office concerning the above-referenced plan. I recently visited the site where the proposed units will be demolished and rebuilt with APG staff persons. While some of the area will fall within the Critical Area, it is my understanding there will be no impacts to any Habitat Protection Areas. In addition, APG staff is aware of the Critical Area issues and will be continuing to provide me with updates as the project progresses. I do not anticipate that this project will not be able to be consistent with the goals and objectives of the Critical Area Law and Criteria.

If you have specific questions about any Critical Area related issues, I would be happy to discuss them with you.

Thank you for continuing to keep us informed.



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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October 15, 2008

Mr. Elder Ghigiarelli
MDE, Water Management Administration
Wetlands and Waterway Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

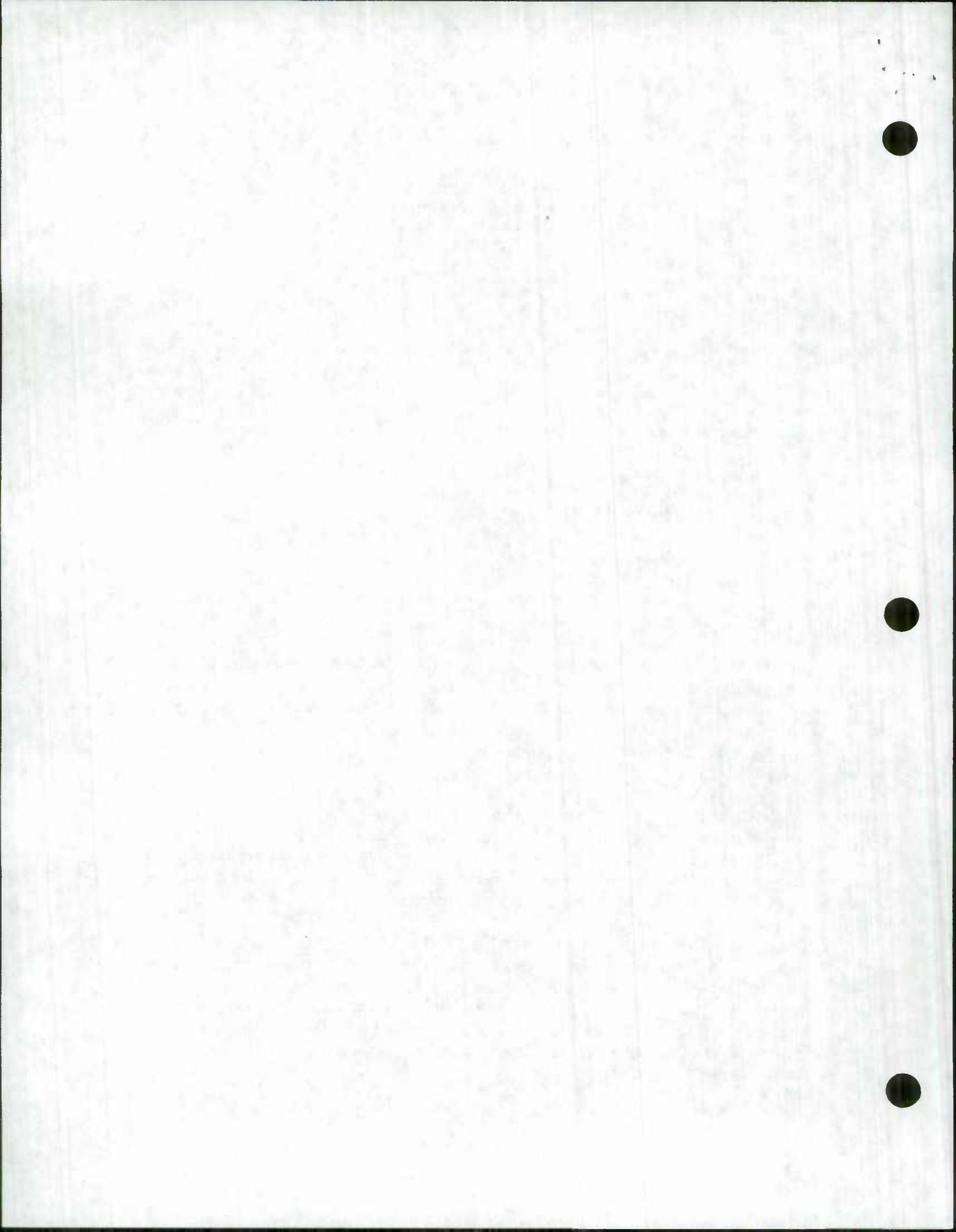
Re: Shore Park Improvements
Aberdeen Proving Ground

Dear Mr. Ghigiarelli:

This office has received the above-referenced project for review and comment. The Department of the Army proposes to construct improvements to an existing public park area. These improvements will consist of the construction new ballfields and horseshoe pits, replacing an existing pavilion, installing new pavilions, restrooms, playgrounds and walking paths. For the reasons outlined below, Commission staff finds this project to be consistent with the goals and objectives of Maryland's Critical Area Law and Criteria.

Commission staff reviewed the application materials and performed a site visit. The site is considered an area of intense development; therefore, the 10% Pollutant Removal calculations apply to this project. From the information submitted, it appears the 10% calculations yielded a negative removal requirement, therefore no additional stormwater practices are required. No clearing will occur; therefore no reforestation will be required.

The entirety of the proposed six foot mulch path is within the expanded Buffer for steep slopes. The Critical Area Criteria encourage public access to the water in areas of intense development. Since the condition of the expanded Buffer in this area is primarily grass and is already being used for public access, the mulch path system will provide for a more managed access point that should help to minimize impacts to this area. Mitigation is being provided for the impacts associated with this path on site with the appropriate native species.

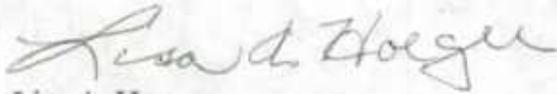


Mr. Ghigiarelli
October 15, 2008
Page Two

Since the applicant has clearly demonstrated the ability to meet the 10% Pollutant Requirement and the mitigation requirements, this project is consistent with the goals and objectives of the Critical Area Law and Criteria.

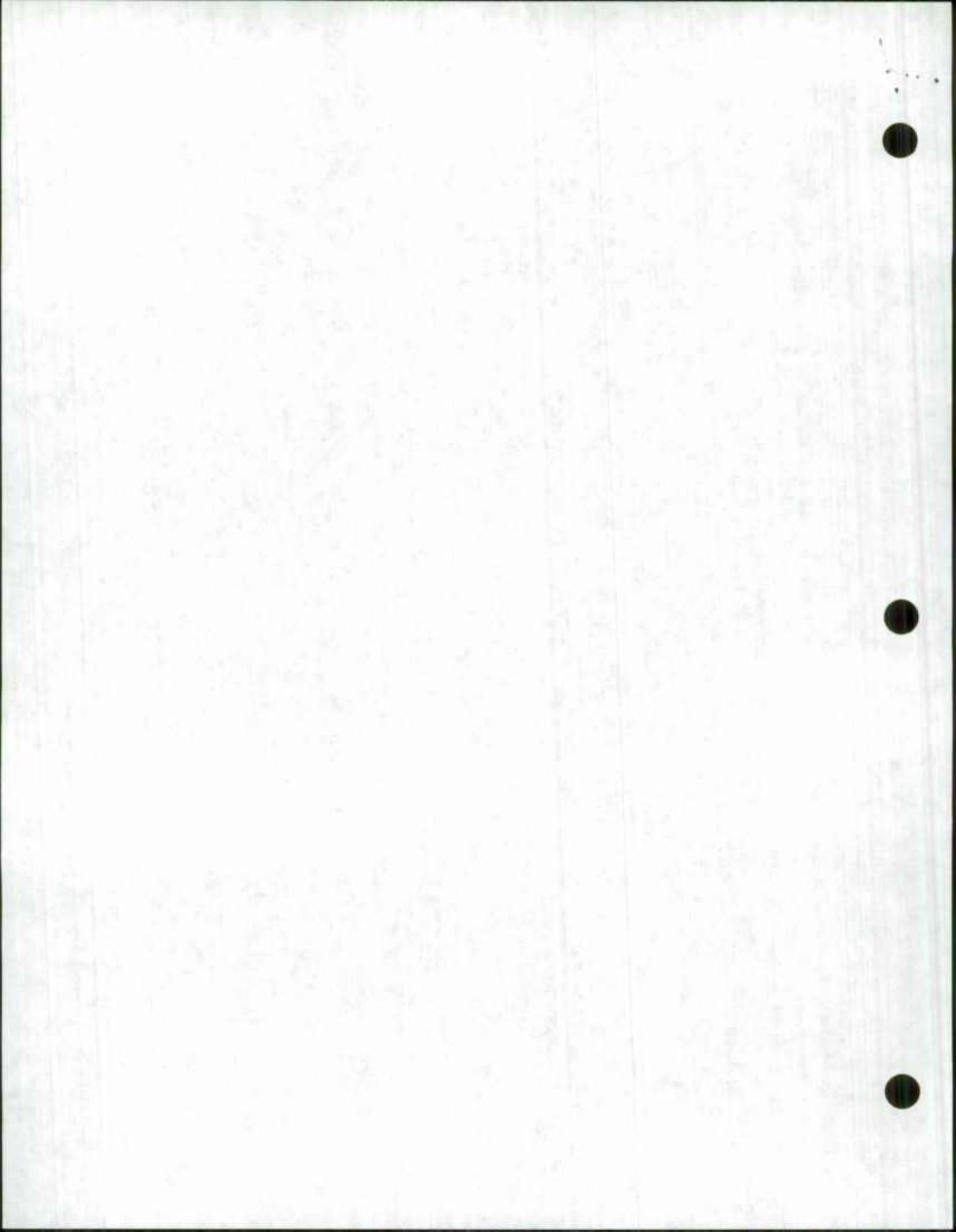
Thank you for the opportunity to comment. Please do not hesitate to telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Regulations Coordinator

cc: Mr. Kenneth P. Stachiw, APG
Mr. Steve Wampler, APG



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 15, 2008

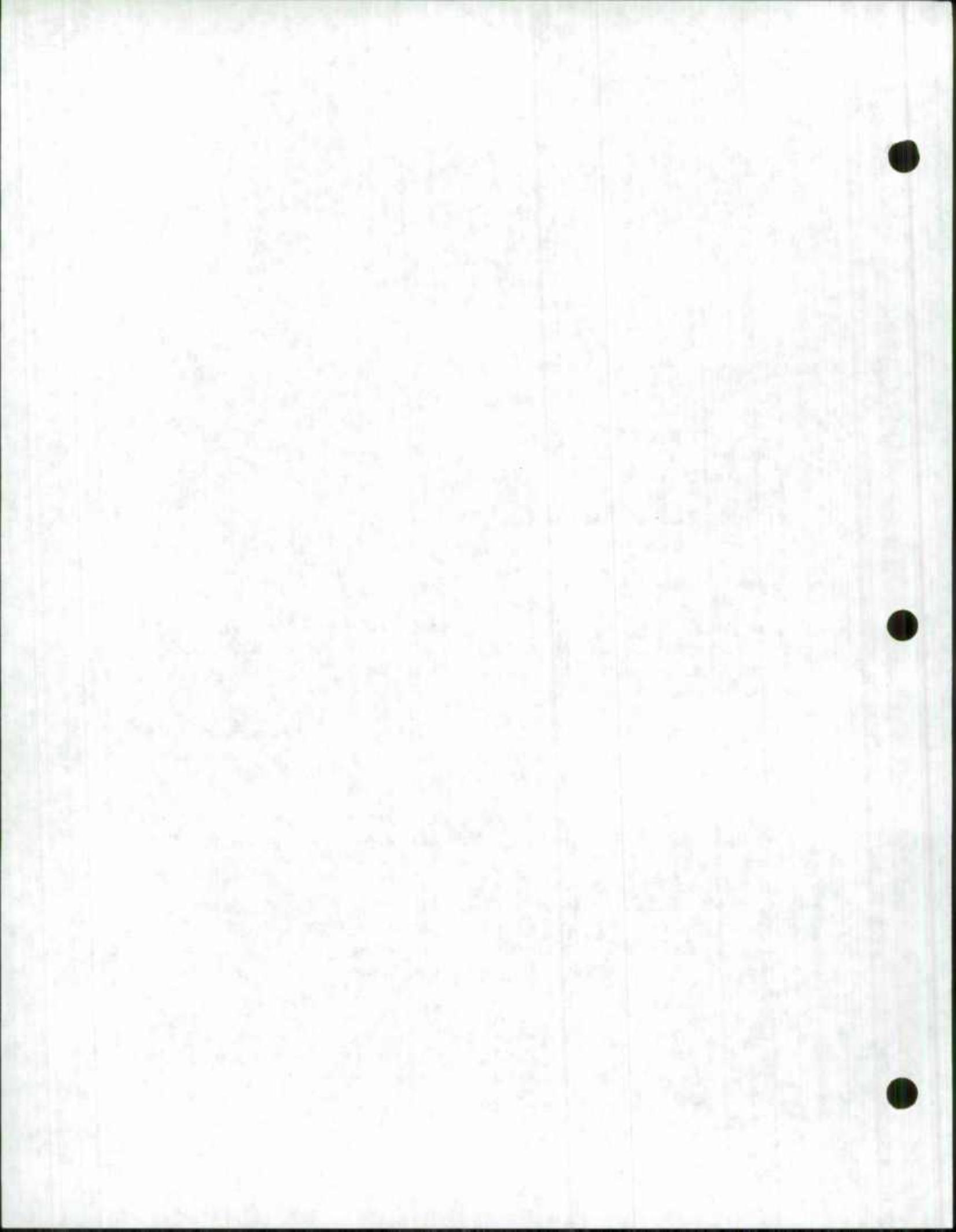
Ms. Patricia Pudelkewicz
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

Re: Harborside Community Marina Water Dependent Facility Plan
P07-096

Dear Ms. Pudelkewicz:

This office has received the above-referenced project for review and comment. The site is located in the Intensely Developed Area and a Buffer Exemption Area. The proposal includes a formalized access point to a boardwalk system to provide access to 36 proposed boat slips. I have outlined my comments below.

1. It appears the determination that 36 slips is permitted per Natural Resources Article 8-1808.5(d) and the Harford County Zoning Code, Section F(6)(d)(1)(c)(vi)a) is correct, since the maximum number is 38 slips.
2. It appears the Water Dependent Facility Plan satisfactorily addressed the water quality and aquatic habitat issues associated with the siting of this community marina in this location.
3. At this time it is unclear whether the 10% Pollutant Reduction calculations will be required since no details of the boardwalk construction were provided. In order to make that determination, please have the applicant provide construction details of the boardwalk. If the boardwalk is considered pervious, then the 10% calculation will not be required.
4. The site plan shows a proposed landscape wall that is within the 100-foot Buffer and Buffer Exemption Area setback. It appears this structure may require a variance. Please have the applicant address the necessity of the wall, and whether it is necessary.



Ms. Pudelkewicz
October 15, 2008
Page Two

5. Please have the applicant address the County's Buffer Exemption Area mitigation requirements due to the new disturbance to the Buffer. We recommend that native Buffer plantings be required along the shoreline for the area impacted by the new walkway on a 1:1 ratio.
6. A Buffer Management Plan should be provided showing how the mitigation will be accomplished on site. This plan must show the location of the plantings and the size, species and spacing of the planted materials.

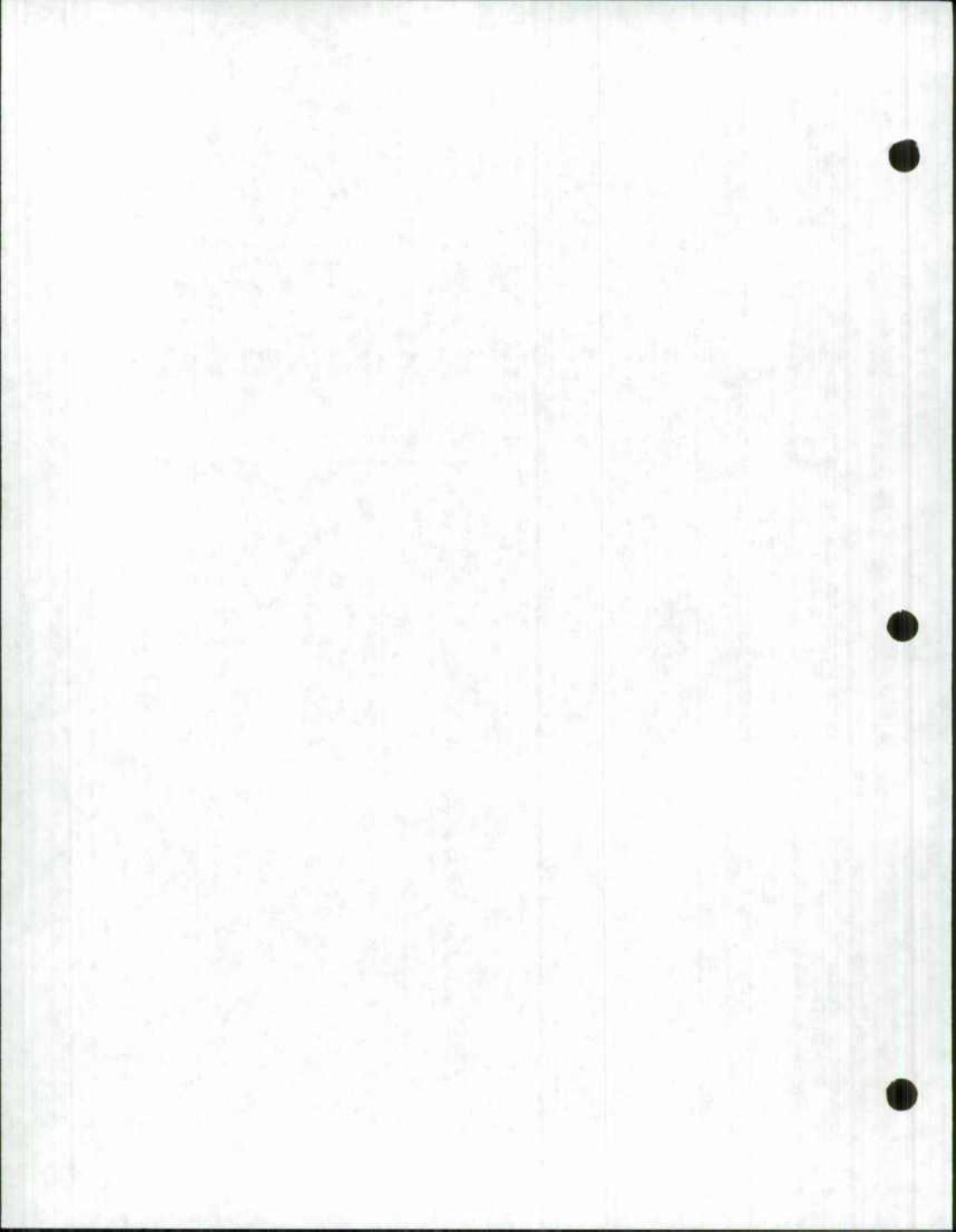
Thank you for the opportunity to provide comments. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Regulations Coordinator

cc: HC 576-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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October 29, 2008

Mr. Gary Green
Project Planning Division
State Highway Administration
707 N. Calvert Street
Baltimore, Maryland 21202

Re: Project No. HA 3315175 - Harford County
MD 24 Slope Repair at CSX Tracks to MD 7

Dear Mr. Green:

I have received the final information concerning the above-referenced project. It was unclear whether this site was in the Critical Area, but based on information shared between SHA staff and Harford County Planning and Zoning, it was determined that the MD 24 slope repair project is within the County's Critical Area. In addition, the final landscape plans were submitted to this office last week and they appear to be consistent with the Commission's replanting requirements.

Based on the information provided, it appears the placement of the permanent 18 inch pipe and other improvements necessary to secure this slope are consistent with the Memorandum of Understanding between the Maryland Department of Transportation and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. This is based on the fact that the project meets the requirements for General Approval under Exhibit B1, A.3.b. No further review by this office is necessary notwithstanding any other required State or federal permits.

Thank you for submitting this project to this office for review. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

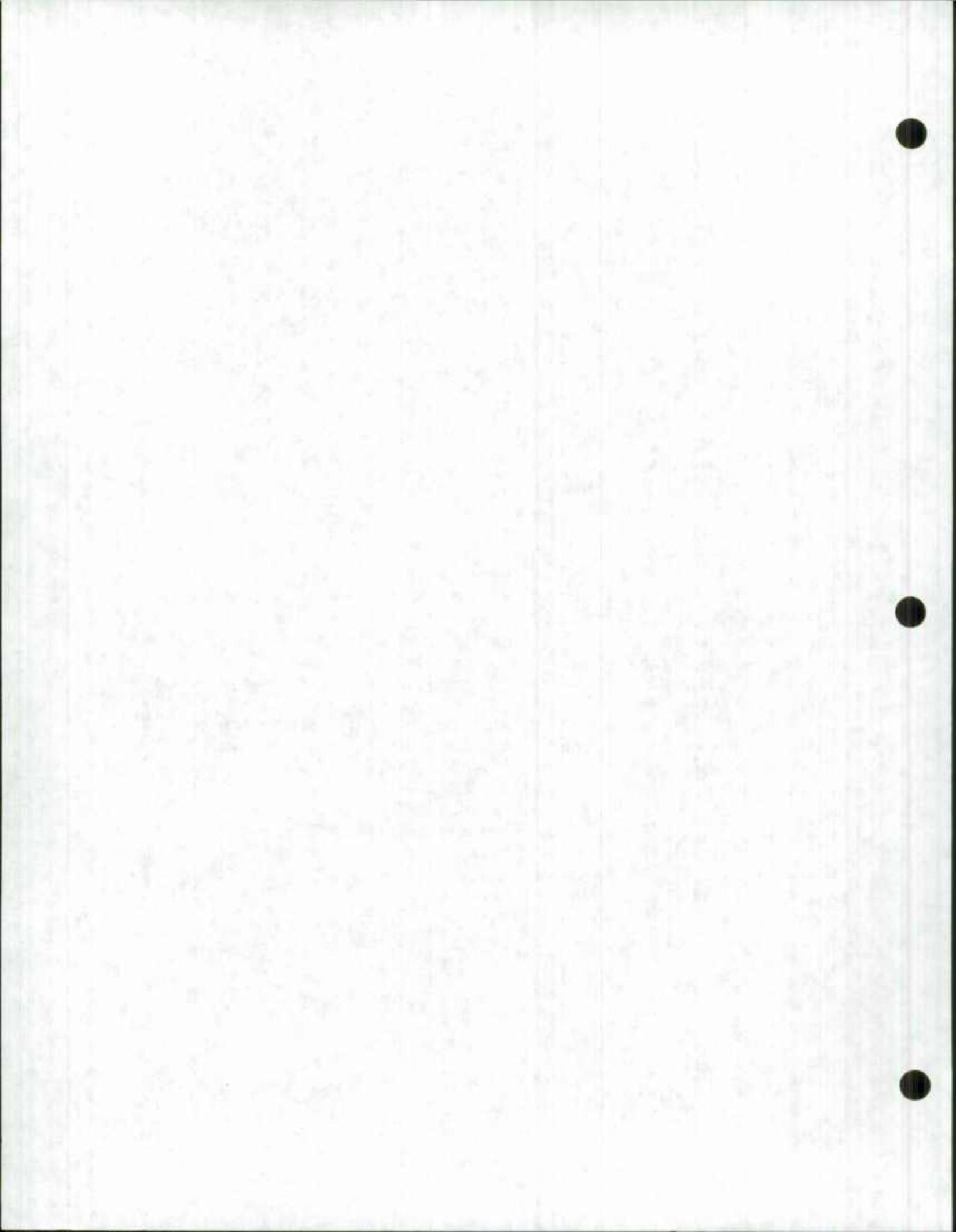
A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regulations Coordinator

cc: Ms. Jessica Silwick, SHA
Ms. Donna Buscemi, SHA

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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November 6, 2008

Mr. Arnold Norden
Department of Natural Resources
580 Taylor Avenue, E-3
Annapolis, Maryland 21401

Re: Stabilization of the Susquehanna Flint Furnace
Susquehanna State Park

Dear Mr. Norden:

At its meeting on November 5, 2008, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the Susquehanna Flint Furnace stabilization project with the following condition:

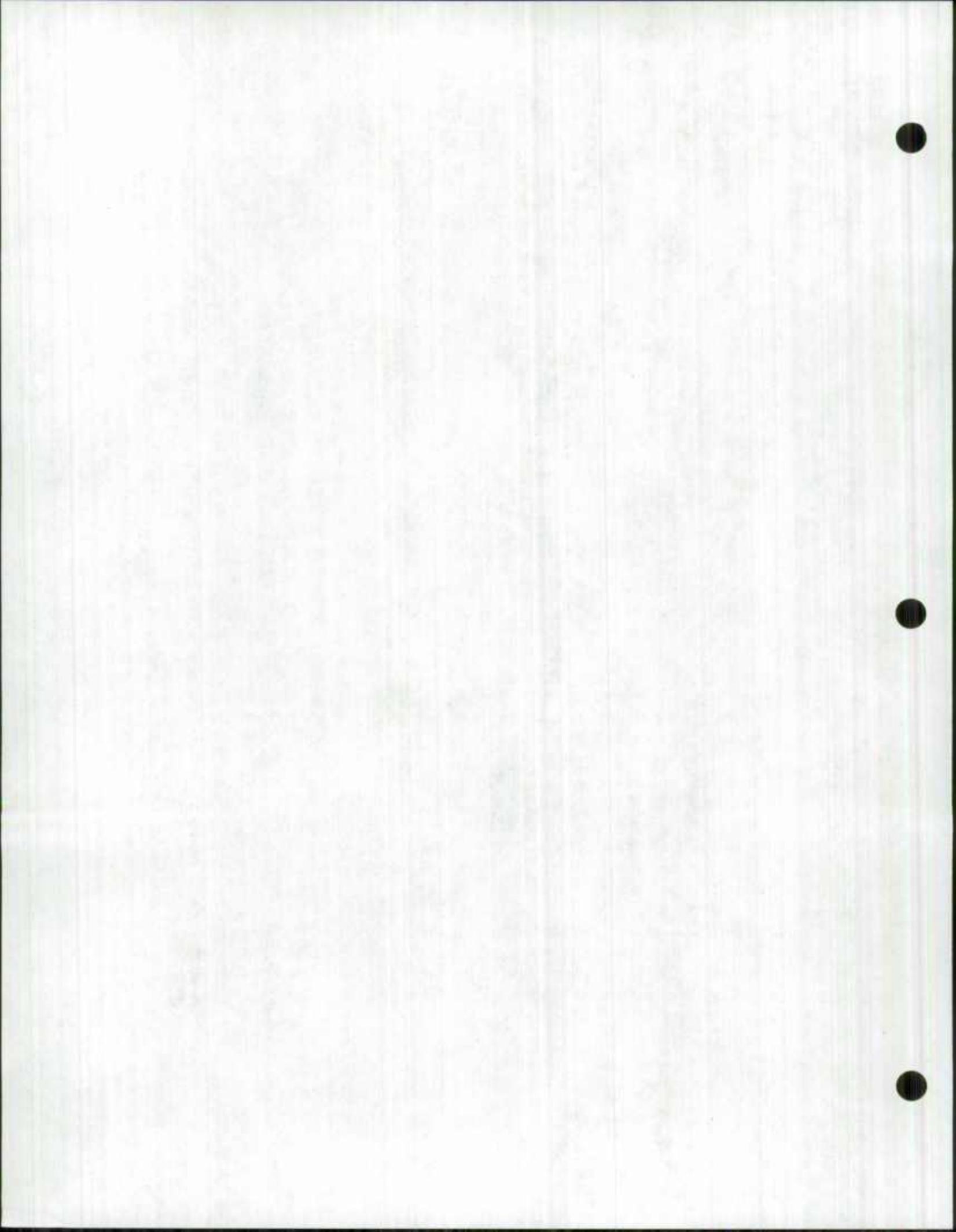
Within 60 days of Commission approval, the Maryland Department of Natural Resources shall obtain the erosion and sediment control approval, the stormwater management waiver, and the nontidal wetlands letter of authorization from the Maryland Department of the Environment and submit copies to Commission staff, and report to Commission staff on coordination efforts with the Deer Creek Scenic River Advisory Board.

In addition to the condition listed above, the Department committed to 2:1 mitigation for the .24 acres of disturbance that will be required to properly stabilize this site. Therefore, I have attached a Plantings Agreement Form that should be returned to this office within 30 days. Please note a signature and anticipated planting date should be provided at the bottom of this form.

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



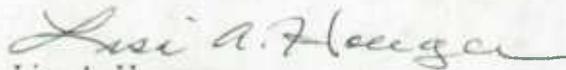


Mr. Norden
November 6, 2008
Page Two

Thank you and Michele Hurt for attending the morning panel meeting and afternoon meeting of the full Commission. As always, it is a pleasure seeing you.

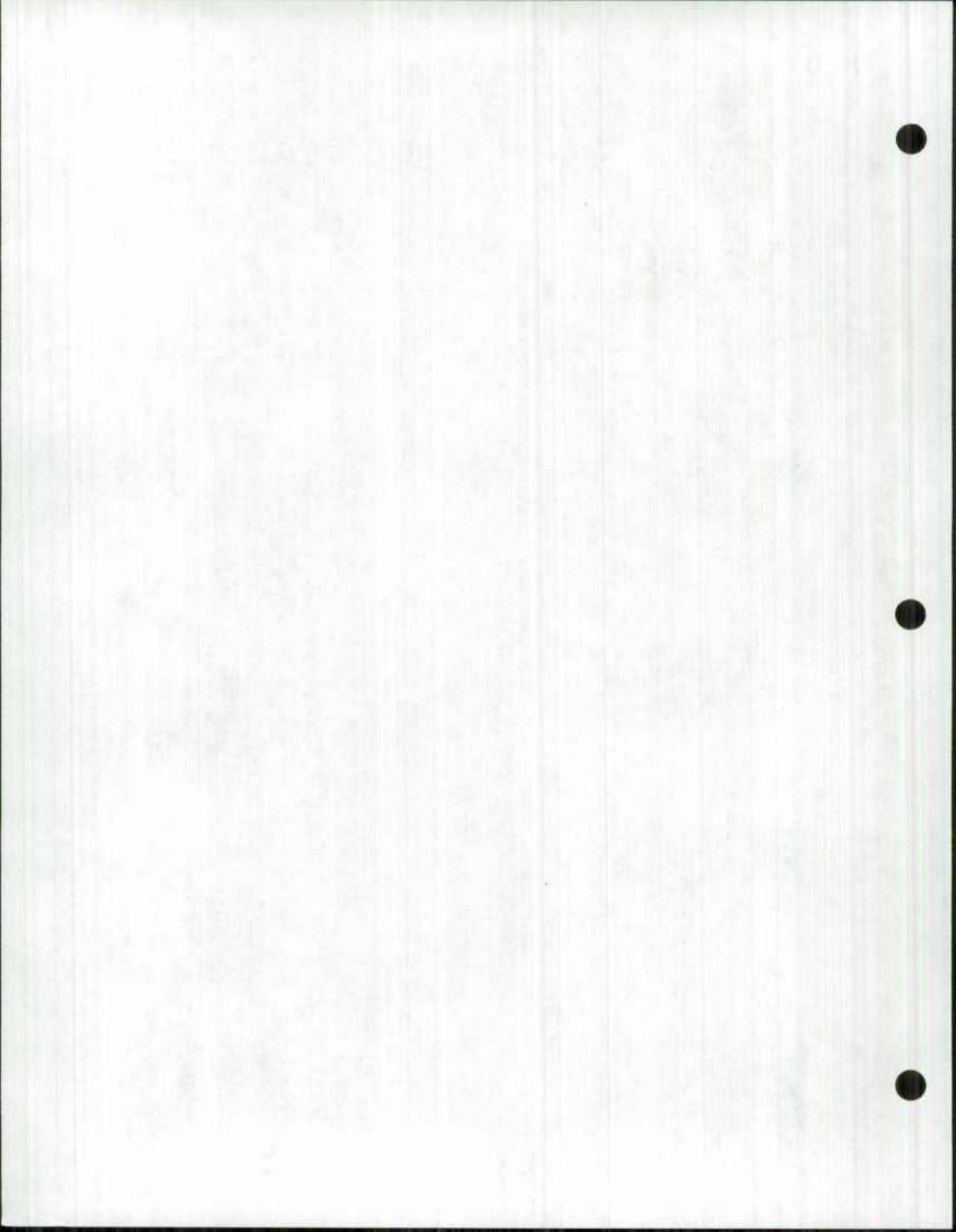
If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Regulations Coordinator

Enclosure



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

November 20, 2008

Mr. C. Pete Gutwald, Director
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

Re: Harford County Zoning Code Update
Adoption of County Council Bill 08-44

Dear Mr. Gutwald:

This office has received a copy of the revisions to the Harford County Zoning Code. It is our understanding that County Council Bill 08-44 does not constitute the County's required six year comprehensive review, but instead reflects Code changes that may include minor revisions to the County's Critical Area program. These revisions also include changes made to the Critical Area law by the General Assembly as a result of HB 1345, HB 1009 and SB 751. The Critical Area Commission has accepted the revised ordinance changes for processing. The Chair has 30 days from the date of this letter to make an amendment or refinement determination. I will notify you when that determination has been made.

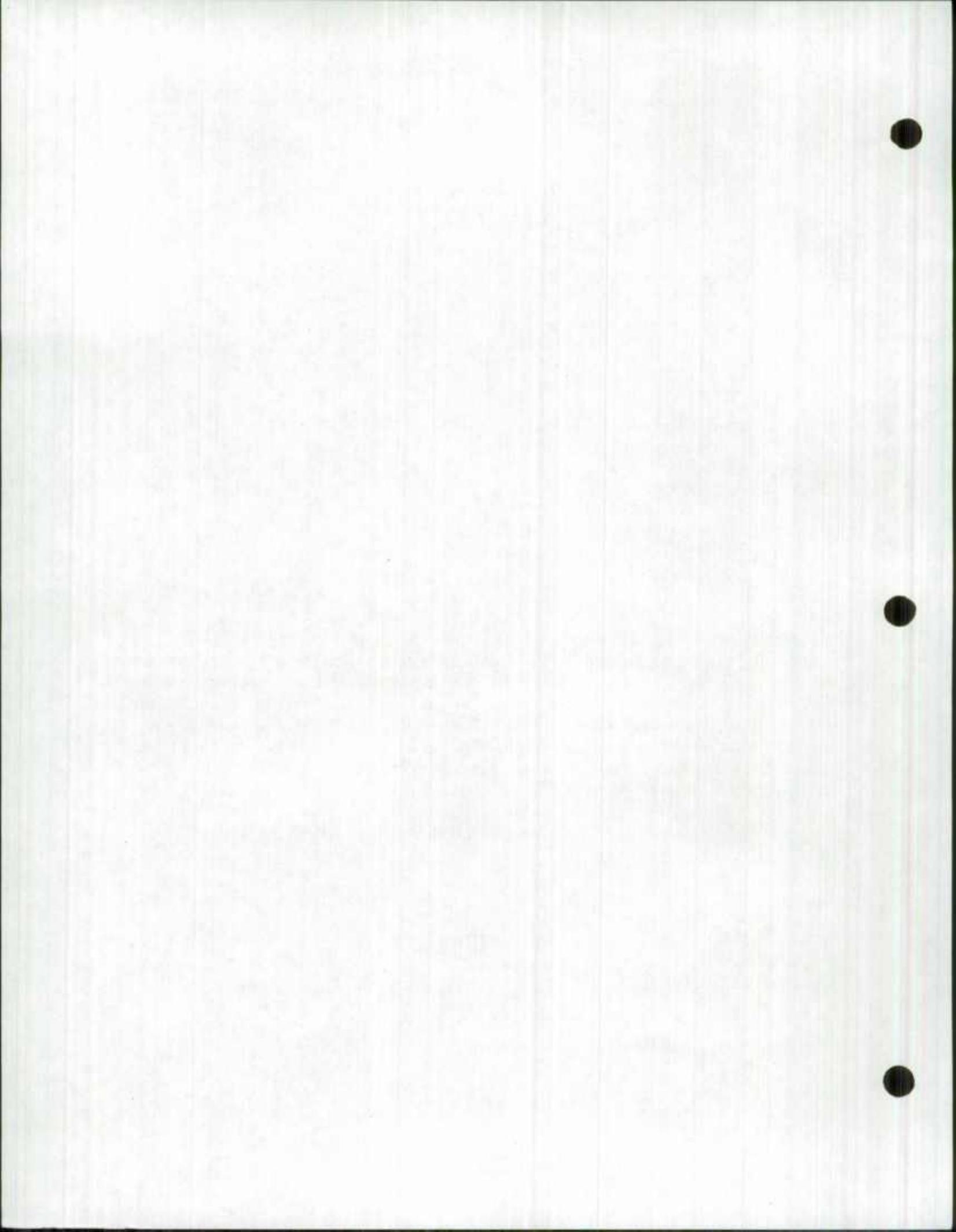
Thank you for your cooperation. If you have any questions, please call me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A Hoerger".

Lisa A. Hoerger
Regulations Coordinator

cc: Ms. Patricia Pudelkewicz



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

www.dnr.state.md.us/criticalarea/

December 4, 2008

Mr. Elder Ghigiarelli
MDE, Water Management Administration
Wetlands and Waterway Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: ARL Building 392 – Parking Lot Addition
Aberdeen Proving Ground

Dear Mr. Ghigiarelli:

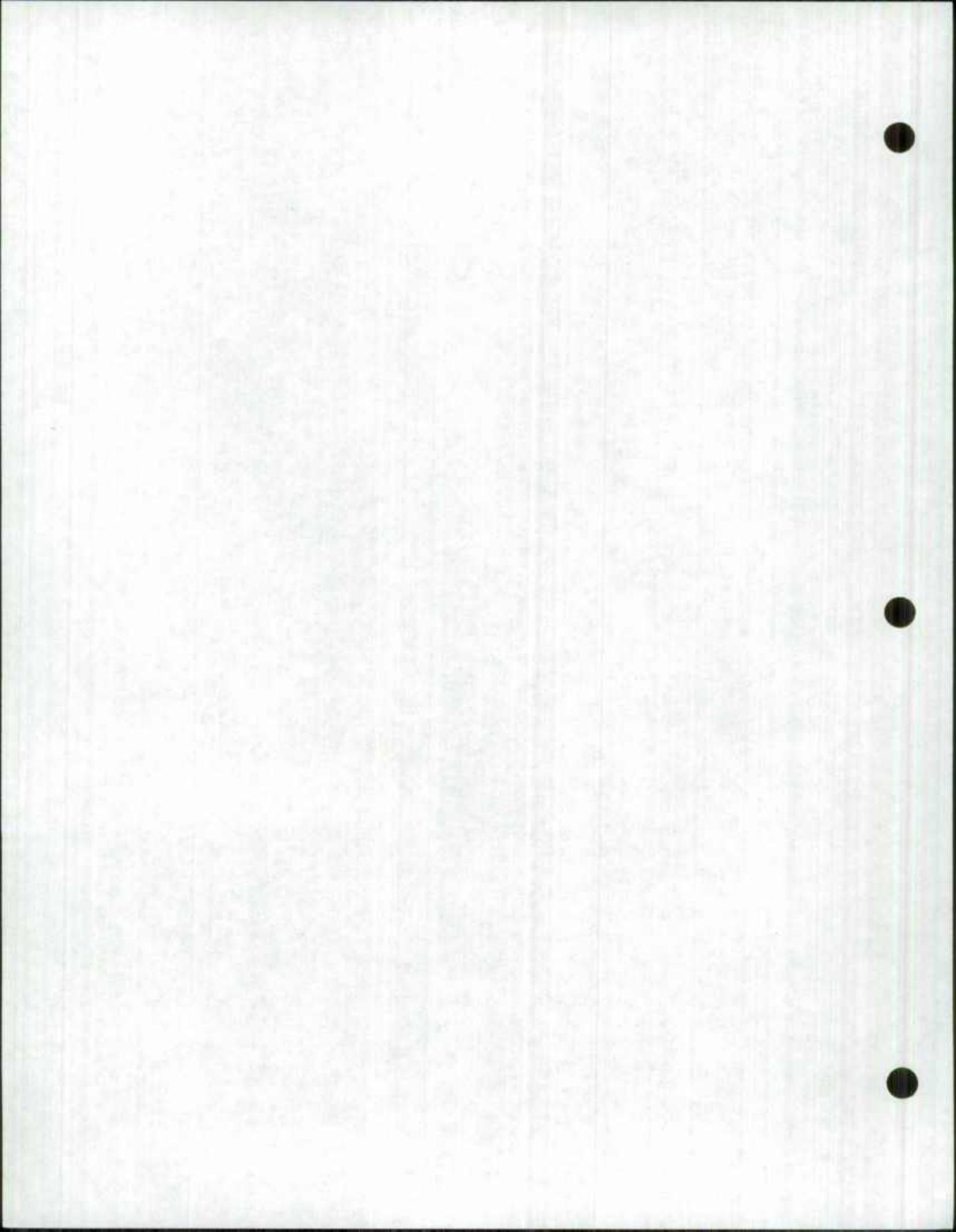
This office has received the above-referenced project for review and comment. The Department of the Army proposes to construct additional parking spaces at the ARL Building 392 located on Tower Road at Aberdeen Proving Ground. The purpose of this project is to provide additional parking for employees and personnel within the ARL Building 392 complex. The entire project site is in the Critical Area. For the reasons outlined below, Commission staff finds this project to be consistent with the goals and objectives of Maryland's Critical Area Law and Criteria.

- Commission staff reviewed the application materials and performed a site visit. The site is considered an area of intense development; therefore, the 10% Pollutant Removal calculations are required. From the information submitted, it appears that .353 pounds of phosphorus are required for removal. Two grass swales in addition to off-site plantings are proposed to address this requirement. Commission staff will continue to work with the installation personnel to ensure the requirement to treat .353 pounds of phosphorus is fully met.
- The only identified Habitat Protection Area on this site is its proximity to Bald Eagle Habitat. Due to this condition, the development and disturbance of the parking lot will occur outside of the Bald Eagle time of year restrictions. Those restrictions begin on December 15.

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450





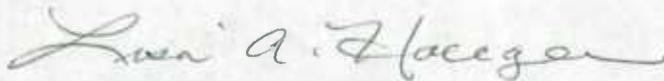
Mr. Elder Ghigiarelli
December 4, 2008
Page Two

- It is my understanding that the sediment and erosion control approval was received by the Maryland Department of the Environment, and no work will commence until the Stormwater Management waiver and Water Quality Certificate are obtained.
- The applicant was provided with a Critical Area Planting Agreement Form, and Commission staff we will continue to work with the installation personnel to find a suitable mitigation site and plan in order to fully address the .353 pollutant removal requirement.

Based on the reasons outlined above, this office finds this application to be consistent with the goals and objectives of the Critical Area Law and Criteria.

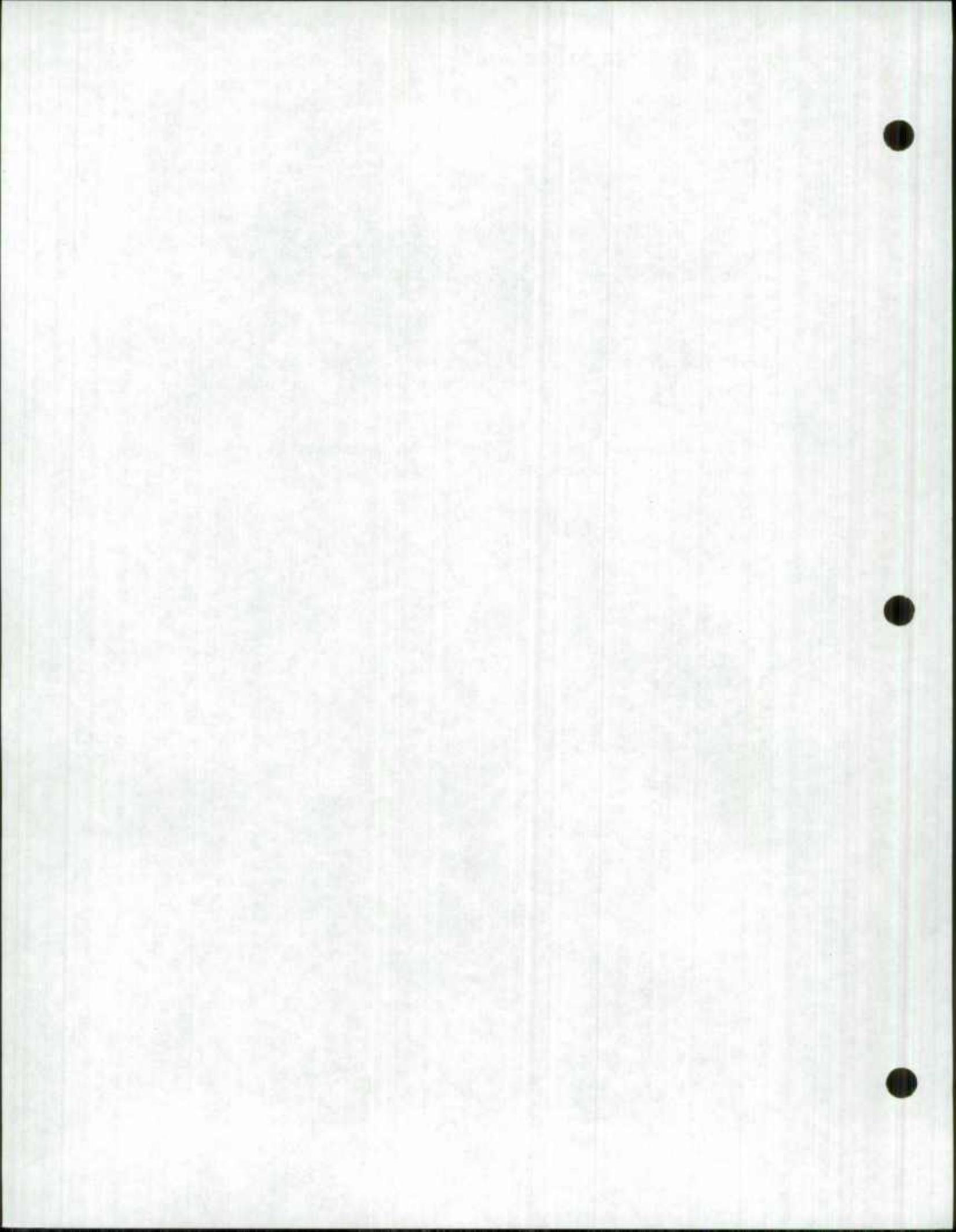
Thank you for the opportunity to comment. Please do not hesitate to telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Regulations Coordinator

cc: Mr. Kenneth P. Stachiw, APG
Mr. Steve Wampler, APG



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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December 5, 2008

Mr. C. Pete Gutwald
Harford County
Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

Re: County Council Bill 08-44

Dear Mr. Gutwald:

The purpose of this letter is to provide an update regarding the Commission's processing of the above-referenced text amendments to the Harford County Critical Area Program. On December 4, 2008, Chair McHale determined that the proposed text amendments will be processed as a refinement to the Harford County Critical Area Program.

The proposed text amendments have been scheduled for review at the January 7, 2009 Critical Area Commission meeting in Crownsville. I will forward a copy of the meeting agenda as well as a copy of my staff report as soon as they are available.

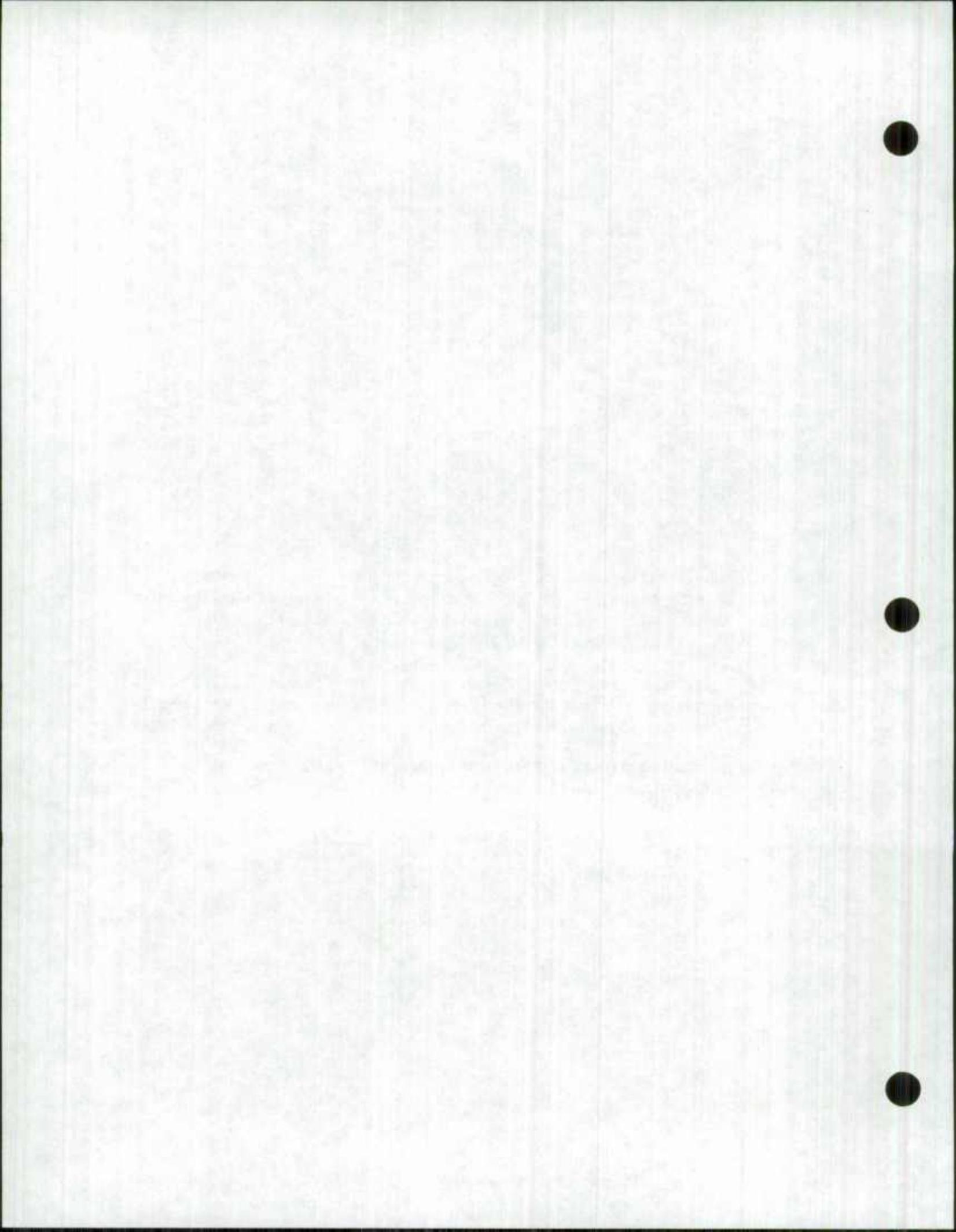
Thank you for your continued coordination in bringing these text amendments before the Commission. If you have any questions, please contact me at 410-260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Regulations Coordinator

cc: Patricia Pudelkewicz



CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Roland Limpert
From: Lisa Hoerger
Date: December 18, 2008
Subject: Draft FONSI: EA for the 13MP
Aberdeen Proving Ground in Harford County

I have reviewed the document forwarded to our office concerning the above-referenced plan. I have visited many of the proposed routes for the 13MP project with personnel at the proving ground. While the first phase of the project did not impact any Critical Area resources, the remaining phases will have Critical Area impacts. I have reviewed phases II and III and have found phase II to be consistent with the Critical Area Law and Criteria with appropriate mitigation. I am still reviewing phase III for consistency. As stated in the draft, any unavoidable impacts to the 100-foot Buffer will be mitigated just as with those impacts to the 100-foot Buffer that were associated with Phase II were mitigated. I do not anticipate that either phase III or phase IV this project will not be able to be consistent with the goals and objectives of the Critical Area Law and Criteria.

If you have specific questions about any Critical Area related issues, I would be happy to discuss them with you.

Thank you for continuing to keep us informed.

